

USE OF DEADLY FORCE BY POLICE OFFICERS

GRANT NO. 79-NI-~~AX~~-0134

NATIONAL INSTITUTE OF JUSTICE

FINAL REPORT

Arnold Binder, ^{Project}~~Principal~~ Director

Peter Scharf, Principal Investigator

Ray Galvin, Principal Investigator

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National Institute of Justice

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USE OF DEADLY FORCE BY POLICE OFFICERS

GRANT NO. 79-NI-AV-0134

NATIONAL INSTITUTE OF JUSTICE

FINAL REPORT

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POLICY AND USE IN THE
UNITED STATES

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ABSTRACT

USE OF DEADLY FORCE BY POLICE OFFICERS

The report covers a two-year period of data collection in a four-volume format. The first volume presents an overview of shooting procedures and experiences in the 14 police departments visited during the initial phase of the study aimed at choosing four departments for intensive study. The second volume summarizes previous research and presents the theoretical positions of the study team. The results of the intensive study of four departments are presented in the third and fourth volumes: that study included interviewing officers who shot at citizens over a three-year period; interviewing officers who did not shoot in similar circumstances; examining case files, personnel and disciplinary records, internal affairs reports, and training files stemming from shooting and non-shooting incidents; and determining the knowledge of officers regarding deadly force law and policy. Volume III is descriptive in form, based on the study as naturalistic observation in police communities; it has been published separately as The Badge and the Bullet (Praeger). Volume IV contains the technical results of the study, including statistical analyses. Differences were found between shooting and non-shooting officers at the level of statistical significance but certainly not of predictive utility. An important finding was the widespread limited knowledge of deadly force law and policy among police officers.

ZAR ZAE000
ATTENTION ALL UNITS AND STATIONS

WATCH THREE RESUME 3-25-1982

*****WANTS*****

FILE 3-25-1620 STA 23 1608 HRS
CASE 82-2232 211 PC
LOC CUPP'S LIQ-COMMONWEALTH/DALE
DIR UNK ON FOOT
SUSP MM 40 5'6 145-150 BLK HAIR
POSS MOUSTACHE; BRO LEATH JKT
KHAKI PANTS
WPN SAWED OFF SHOTGUN
LOSS UNK AMOUNT

FILE 3-25-1635 UCIPD 1530 HRS
CASE 8203163C--ATL WALKAWAY/5150
LOC UCI MED CNTR-ORANGE
DIR UNK ON FOOT
SUBJ DAYTON, LORI-FWA 5'7 140
SH BRO HAIR; WHI & BGE BLOUSE
BGE PANTS

FILE 3-25-1653 STA 18 1530 HRS
CASE 652464 ESCAPEE-LOS PINOS
LOC LOS PINOS FORESTRY CAMP
39251 ORTEGA HWY
DIR E/B ON FOOT TWRDS LAKE EL-
SINDRE
SUBJ VANDSNESS, BRENT LOUIS WMJ
16 5'5 115 BRO/BRO; LT BLU
SKI PARKA, LT TAN CORD TROUS
WHI TENNIS SHOES
RMKS HOME ADD: 240 NICE LN, NEW-
PORT BEACH

FILE 3-25-1958 STA 48 1931 HRS
CASE 82-462 211 PC
LOC LERNER GAS-LOS AL/CATALINA
DIR E/B CATALINA
VEH POSS ONLY--LT GRN OLD MOD
FORD MUST SQ BACK TYPE
SUSP MM 45 5'7 180 W/BIRTHMRK
ON RT CHEEK; BRO PLAID SHI
BRO PANTS
WPN NONE SEEN; ONLY THREATENED
TO BLOW VICT'S HEAD OFF
LOSS \$60 IN CASH

*****CANCELLATIONS***

NONE

0CC/ORANGE COUNTY COMM/MORRILL

INTRODUCTION

This volume reviews documents and other information that were collected during a series of two-day visits to selected police departments throughout the United States. The visits were undertaken in an effort to acquire an understanding of the manner in which these departments addressed themselves to issues bearing upon the use of deadly force by their personnel in the course of their work, and to use the information in selecting departments for more intensive study. It must be stressed that the material in this volume is in no manner intended as definitive in regard to all dimensions of how the law enforcement agencies in the diverse jurisdictions deal with questions concerning deadly force. The chapter confines itself, by and large, to an examination of written, formal statements that can be found in the libraries, training academies, and archives of the departments reviewed. This volume also attempts at times to relate these materials to other aspects of the agencies' structure and work: their size and personnel, the level and types of crime within the jurisdiction, and similar matters.

The basic material with which we worked in compiling this volume was of a quite uneven level. Sometimes what was available in writing seemed hardly to do justice to a department which in diverse informal ways paid much more sophisticated attention to the matter of deadly force than its documentation would have led us to believe. At other times, we found as the project progressed, much of the material we had gathered seemed largely window-dressing, representing the result of an exercise that involved a few officers putting together a statement that bore little relationship to what actually took place within the organization on a day-to-day basis. Word-of-mouth, oratory

lectures, and cautionary tales can, of course, be as or more effective than things that constitute the syllabi for recruit training on the subject of deadly force. Had we any hopes for amassing readily-comparable material from the diverse departments, these were rudely shattered in quick order. Police units are notoriously independent one from the other, and they are not notably responsive to elegant imperatives for formal recordkeeping, particularly in terms of formats that could make systematic comparisons more feasible.

That there might be requirements for better and more regularized record-keeping in regard to episodes of deadly force inevitably highlights a host of competing social values. Public agencies in a democracy clearly ought to be as responsive as possible to the constituencies they serve; and those constituents can best make judgments if they have an adequate supply of useful information, both about their own agency and about others like it located elsewhere. At the same time, there are those who view the fragmented nature of American law enforcement as one of its glories, and who compare it with nationalized forces in other areas of the world where the police often tend to be involved in partisan political fights. For them, the record-keeping idiosyncracies of American law enforcement--and their patent inadequacies for satisfactory public policy decisions--represent a small price to pay for the individuality and freedom from homogenized control.

Use of deadly force by law enforcement agents is an extremely important issue, and all departments take at least some cognizance of its preeminence. They are apt to refer to the sacred nature of human life, a matter which almost inevitably leads them to further consideration of trying to balance decent care in regard to the life of a suspect or an endangered bystander against potential life-threatening danger to the officer involved in the

episode. This is the kind of matter that hardly can be neatly tied up with a few definite formulas for action. In addition, for any individual police department, the use of deadly force is also important because unfortunate or indefensible use of such force may well trigger severe repercussions bearing on the serenity and the careers of the officers involved as well as their superiors. No bureaucracy as a rule prefers perturbation when it can prosper or survive with reasonable amiability in a more quiescent condition.

On the other hand, there probably is a fairly widespread feeling among police supervisors that there is relatively little that they can do that will have that much impact on the level of use of lethal force by their agents by means of training programs; or, at least, an amount of training that would not detract from other demands which they regard as more pressing. How much time and effort should be expended to reduce the number of questionable instances of deadly force usage from 14 to 11 in a given department? It is always said, in accord with our Judeo-Christian heritage, that human life is infinitely precious, but few public policies (note the level of medical care available to our citizens as well as the mandated automobile speed limits) pay literal attention to such an ideal. Besides, of course, there is a suspicion that too much attention to inhibiting the use of weapons by officers may jeopardize their own lives in instances when force is very much in order, and where hesitation could prove fatal.

Keen use of screening tactics during hiring probably can contribute somewhat to the degree of untoward use of deadly force, though it may well be that the informal socialization of officers more than offsets initial predilections of recruits. Besides, of course, despite a relatively high level of unemployment in the country, the pools from which police forces draw their new officers remain rather limited.

Shootings are ordinarily situational events, their outcome dictated by a very subtle blend of persons and places, moods and mediations. General rules and guidelines can be established--and should be as good as they can be fashioned to be--but they can only specify in a crude way procedures and modes of thought that ought to be employed in situations which are outlined in rather broad fashion. Many of the documents that we will be reviewing must be seen as providing a basis for inference--for reading between the lines, as it were--about how a particular department regards lethal force, or more particularly, of course, how it has chosen to transmit its beliefs in the formal documents that are available for inspection. The documents need not be taken at face value as substantive evidence of what will, indeed, go on within any given department. This is not an unfamiliar condition with program and policy statements: consider, for example, the variation that every student has experienced at one or another time between a delectable catalogue description of a college course and the classroom reality of the same offering.

In this regard, the present report must be seen as a complementary and supplementary aspect of the much more intensive field work that was carried out in four of the cities first visited. It may also be used as baseline data against which more in-depth observations can be compared.

Finally, we have tried to determine from the materials that were gathered during these early site visits some procedures that might well recommend themselves to law enforcement agencies other than those which originated and/or employed them. It will become obvious that different departments have devoted varying amounts of initiative and talent in regard to matters of the use of deadly force, and it seems likely that the guidelines, review processes, data collection methods, and similar matters should provide valuable

assistance to other departments looking for more satisfactory methods for responding to issues regarding deadly force usage without having to reinvent them locally.

Format Notes

This volume was compiled without attention to our later work which added much depth and further insight about the way that business is conducted in those jurisdictions that ultimately make up the four-city study sample. This procedure of writing the present report in isolation from the refinements that could have been introduced from later work was adopted for at least two major reasons: first, it was felt important to present the material that had been gathered on these initial site visits without the contamination of the later information, especially since less than one-third of the sample underwent additional examination. And second, we considered the primary aim of this volume was to scrutinize rules and regulations and some of their correlates without the obfuscating effects of later insight. That is, we want to know what departments say that they do; if we had intruded data on what they in fact do, it would have been inevitable that we would slight many aspects of operational guidelines.

An additional major decision that underlies this volume concerns its structure, that is, the manner in which the material is to be set forth. Our first impulse was to establish major categories, such as training procedures in regard to deadly force, and then to see what each of the sites had to contribute on this matter. This approach was abandoned after we had not gotten very far into it, largely because it made the material extremely repetitive, with the sites tending to blur one into the other. It became difficult for the reader to recall what, for instance, Dallas was doing that Miami was not,

and particularly how this related to diverse other aspects of the approaches employed to the issue of deadly force in Dallas and Miami as these might relate to the training procedures. It was therefore decided to proceed site by site, but to make the report (hopefully) more interesting and worthwhile by at first setting out in some detail matters in the first few jurisdictions reviewed, and then focusing more finely in the remaining places on matters that seemed to differ in significant ways from those detailed earlier.

Data Collection

The visits to the 14 police departments whose reports constitute the basis for this volume were, as noted, directed toward obtaining a better sense concerning which among the units selected for initial screening might best fit the requirements for comprehensive field study at a later point in the investigation. The cities first visited do not by any means represent a simple random sample of American police jurisdictions. Rather, they were chosen with an intent to maximize the possibilities for later collecting useful information. A first aim was to locate law enforcement agencies which deal with a heavy volume of violent criminal activity. In addition, the sample was limited to police departments which, on the basis of initial inquiry, indicated that they would be willing to cooperate when the time came to examine in much closer detail experiences they had had with cases involving the use of deadly force by their officers.

The research strategy that underlay the present volume involved personal travel to a minimum of 12 jurisdictions and a maximum of 18. The first delineation of suitable sites was based upon information about the level of police shootings in particular departments that had been compiled by Lawrence Sherman, and by work on the subject carried out under the auspices of the

Police Foundation. Research by James Fyfe, in addition, had sensitized the research team to the fact that its focus had to be broadened beyond an examination of only those episodes which produced fatal outcomes. Attention also had to be focused on the total number of incidents in which the law enforcement personnel purposely shot their weapons. Otherwise, the study would be distorted by introduction of considerations of marksmanship accuracy.

We had set a population limit of at least 250,000 persons for us to consider the jurisdiction for field investigation. Our first review located 57 departments that we deemed as potential places for site visits. We cut the list to 25 on the basis of our personal knowledge of the workings of some of the departments, as well as other criteria of suitability, most particularly the amount and character of criminal activity in the jurisdiction. Thereafter, we telephoned the chiefs in the places remaining on our list. These calls further delimited the roster. For instance, we suspected--and our call confirmed this suspicion--that City X's police force would not be hospitable to the kind of inquiry that we intended to carry out after our first exploration. That inquiry would involve detailed examination of each episode of police use of lethal force, no holds barred and no quarter given, except that we would let the chiefs know that we had no preformed political agenda, and we believed that we were thoroughly conversant and not unsympathetic to the exigencies of law enforcement administrative work. We would, to put it simply, call the shots as we saw them, but only after we saw them, and then only after scrupulous consideration of the available evidence.

A few departments responded to our first probe by insisting that they had no problem in regard to the subject of our concern (that is, deadly force), and they discouraged us from attempting to verify their impressions of the matter at first hand, even to the extent of our trying to determine

why it was that they had no problem. It was obvious to us that we could not carry out our work without the full cooperation of the agency we were to examine, so we abandoned these sites. No particular loss in the integrity of our effort was seen to accompany such a decision, since the aim of the research in no sense has been to muckrake or to point an accusing finger, but rather the work was designed to determine how lethal force came to be employed and how, in the future, it might be restricted to only those circumstances in which it is necessary. Our goal was to develop insights which would allow the construction of an ethos and a set of guidelines throughout the nation under which law enforcement officers, bystanders, and criminal suspects would all be secure against unwarranted death by means of police weapons.

Ultimately, the 14 jurisdictions that were selected for personal visits were, in alphabetical order: (1) Birmingham; (2) Dallas; (3) Denver; (4) Detroit; (5) Honolulu; (6) Kansas City, MO; (7) Miami; (8) Newark; (9) New York City; (10) Oakland, CA; (11) St. Louis; (12) San Diego; (13) San Jose, CA; and (14) Rochester, NY. The field work was conducted between the middle of January and the beginning of March of 1980. We usually first met with the chief of the department and, quite often, he would set up a later appointment with a liaison officer who he believed could best respond to our inquiries.

We carried with us a prepared list of matters that we wanted to cover with the persons to whom we talked in each of the departments. These matters are set out in the following outline. The items that have an asterisk are those which we hoped to be able to obtain and bring back with us following the visit.

[INSERT CHART 1 ABOUT HERE]

CHART 1

Data Collection Agenda for Site Visits

- *1. Statement of Mission, Goals and Objectives
- *2. Organizational Charts:
 - a. Functional
 - b. Personnel (Ethnic and Sexual Breakdown by Rank)
- *3. Policies and Procedures (written)
 - a. Use of Force
 - b. Use of Firearms
 - c. Investigation of Use of Force and/or Shootings
 - Complaints
 - Internal Affairs
 - Review Boards
 - District Attorney's Role
- *4. Information on Shootings
 - *a. Definition - out of holster, firing, hits, fatalities
 - *b. Number of for each of last three years
 - c. Case data access
 - Internal Affairs
 - District Attorney
 - Officer Interviews
- 5. Personnel Data
 - a. Content of Files
 - b. Access to Personnel Files

CHART 1 (continued)

- c. Access to Individuals for Interviews (Check Employee Associations)
 - Involved Officers
 - Investigating Officers
- *6. Training Programs and Materials (Technical and Philosophical)
 - a. Recruit
 - b. In-Service
 - c. Command and Supervisory
- *7. Individual Stress Management and Community Relations Programming
- 8. Calls for Service Data (for sampling like incidents, number and type of incidents by month or year, access, mode of collection, access to dispatch tapes, mode of taping)
- *9. Crime and Arrest Data
 - a. Data Collection Form and Mode
 - b. Statistics for the Past Year

We had specifically requested that the chiefs not go to the trouble of preparing materials beforehand in anticipation of our visit. We did this because we did not want to discourage an invitation on the ground that it would represent a burden upon the resources of the department. We presumed that, having established some personal rapport with us, the officials later might be much more willing to help us with our work. Some chiefs, despite our message, did gather together the information that they had available about the use of deadly force within their departments and in regard to others of the matters indicated in the foregoing Chart.

We did not write down any information in the presence of the officials with whom we met, in part to encourage them to talk as freely as they wished without any fear that everything that they said would take an "official" form and perhaps return to haunt them. Police officials are among the most often quoted persons in public life. Indeed, many departments supplied us with, among other materials, guidelines that all officers have for dealing with the press when they are involved in a case that has attracted media attention; such guidelines look very specifically toward keeping the image of the department in decent perspective and not compromising any aspect of the case under investigation. Besides, of course, any political figure who deals with some regularity with interviewers knows that it is possible, when it seems necessary, to claim misquotation or misinterpretation. Tape recorders preclude such a strategy and, as we have noted earlier, our intention was not to cross-examine our informants, but to allow them to relax and to feel as free as possible to help us in our work. As soon as an interview was concluded, we tried to recapture for our own notes the details and flavor of things we found important that we had been told.

The materials that we collected in accordance with the foregoing chart

form the core stuff for our present report. Some observations on the quality of these materials is in order if the volume is to be understood in terms of exactly what it can be taken to represent. For one thing, not surprisingly, the information varies enormously in its completeness and in its accuracy. The matter of accuracy we were able to establish from our later inquiry, but it also would have been virtually self-evident in a variety of circumstances when numbers did not match up from report to report and when a variety of other discrepancies were noted. In police work, by far the highest priority is to deal with what comes up day by day; retrospective review does not rank near the top of those things that preoccupy American police officials. Crimes and emergencies occur; they have to be dealt with as they arise; thereafter, it is on to the next crisis. Take, as a simple matter, the issue of personnel data. A great amount of background information may be gathered about an officer when he or she is recruited, but thereafter record keeping is apt to be lax. If the officer marries, there often is no routinized way by means of which such information makes its way into the personnel files; so too with the birth of children to the officer. If the aim is to relate some aspects of law enforcement work to the marital condition of the officers--items such as time of marriage, length of marriage, number and ages of children--the records of the law enforcement agency that employs the person often are not likely to be of much use.

As municipal or county officials, nonetheless, police chiefs and sheriffs are responsible to political authority, and they must supply some kinds of bureaucratic data for accounting purposes. Such reports, for most police departments, are not regarded as particularly important. They will not resolve crimes, nor will they be of much help in determining how to deploy resources

most effectively. In addition, of course, the chiefs are well aware that precision rarely is demanded by those to whom they report in regard to things such as crime rates. That the reports are filed, and that they provide some crude measurement of the level of criminal activity in the jurisdiction is about all that is apt to be expected.

In addition, despite the appearance recently of sophisticated data collection and analysis systems, law enforcement agencies generally are low in the hierarchy of city units which are afforded access to such systems. In St. Louis, for instance, there exists a Regional Criminal Information System--REGIS--but it is owned and operated by a separate authority, which tends to regard statistical activities other than those concerned with the police as of more pressing importance. Given their agenda, the police usually are not overly concerned about this. The result, of course, is that there exists much erraticism in the statistical reports and great and significant variations in the quality and reliability of the material that we were given. Many jurisdictions, for instance, employ the practice of recording the solution of a reported criminal event at the time that the case is cleared up. In this manner, they may tabulate a number of robberies as having occurred in one year--and such robberies appear on the year-end statistical summary--with the solutions being enumerated in the following year. Taken to its very extreme, it is possible, for instance, for a statistical summary prepared in this manner to show 400 criminal episodes with 450 solutions during the same time period.

The foregoing refer to the statistical portraits of criminal activity and police performance in respect to such activity. Similarly, training materials were of varying quality and thoroughness, as were the other kinds of information with which we were supplied. It is not unlikely that the quality of

information reflects upon the housekeeping skills and, more arguably, the quality of the work of the department in a particular realm. But it also is likely that for some departments such matters are so well known and so thoroughly drilled, either through formal or informal channels, that it is regarded as redundant to reduce the items to printed or mimeographed form. There are, to return to an earlier analogy, few persons who would be willing to rate the level and value of classroom instruction of college professors only on the basis of the syllabi that they distribute to their classes.

One last caveat: The attempt to draw relationships from and among the diverse materials as they bear upon issues relating to the use of deadly force is a very hazardous enterprise, and we do so only with large-letter signposts to warn the reader of the extremely tentative and inconclusive nature of such an effort. For one thing, of course, the departments that we selected are not too dissimilar in terms of the variable upon which we focused, so that the variance is not sufficiently great to allow the formation of impregnable generalizations. For another, causal connections can in no conceivable way be established. A certain kind of training program may seem to be associated with a high or a low level of deadly force usage, but there may be numerous other factors about which we remain uninformed in this inquiry that actually produce the association. For another thing, as we have specified, the materials with which we are working are of uncertain quality.

And, finally, we must stress that our aim was at all costs to avoid invidious comparisons among the departments that we visited. We told the chiefs that we were not engaged in any enterprise that carried any connotation of a smear campaign, and that we were not interested in seeing whether they were "better" or "worse" than their colleagues, in large part because

we were certain that such a conclusion could not honestly be reached on the basis of the incomplete and inconclusive information that we were gathering in this phase of the research. Rather, we wanted to get some ideas, to determine what was being done, to be able to offer some helpful guidelines.

Our purpose in this volume, then, is to review the state of the art in regard to aspects of the police use of deadly force as that matter is involved in the operation of 14 police departments located in metropolitan areas in various sections of the United States. We want to distill information that we obtained during our field visits, keeping in mind again that the visits basically were designed not only as explorations of the potentialities of the sites for much more detailed and intensive examination, but also as arenas in which to gather some initial impressions regarding exactly what was out there, what was being said and done in regard to the matter of police use of deadly force. Here are some of the questions that we expected to be able to address:

(1) What do the departments have on record as statements of policy concerning officer use of deadly force? What is the range of policies among the departments we sampled? What are their common characteristics and what aspects are unique to a particular department? As part of this topic, we also desired to obtain information about the historical development of such policies, where such information was available. When did the policies originate, when were they altered, and in what particular details were they changed when the alterations occurred?

(2) In specific regard to police shootings, we hoped to learn the level of such activity in each department. How did they record the episodes, how complete are their files, what actions do they routinely take in the wake of these actions?

(3) In the event of shootings, or as a consequence of such affrays, do the police reexamine and shift their policies and their methods for dealing with these kinds of situations? What, in general, has been their experience with the various publics they respond to in regard to the topic of lethal force and in regard to particular instances of the use of such force?

(4) How do the various departments formally and informally transmit their rules and standards in regard to the use by members of the department of deadly force? Are specific parts of the training programs devoted to the subject? If so, how much time did such training consume and what is its emphasis? Is there any attempt to reinforce the training experience at a later point in the officers' careers? How do the top administrators feel about the training in regard to deadly force: do they agree with the present emphasis (and the current policy) or do they object to some elements of it?

(5) How do the foregoing items relate to aspects of a department's structure and the nature of its crime control operations? That is, do there seem to be connections between such matters as organizational structure and policies about deadly force, between the number of crimes of violence and the number of shooting episodes involving the officers both as targets and as initiators of such uses of force?

Put in its most general terms, the frame of reference for the present paper was to determine, in regard to the police use of deadly force, operating policies, level of activity, guidelines, variations among departments, and some of the possible consequences and correlations of such matters.

SAN DIEGO

A good deal of information about the law enforcement condition can be derived from a summary table that provides available data on the dozen largest cities in the western United States. For San Diego, Table 1 tells us some of the following things: Most particularly, it can be observed that the rate of violent crime is extraordinarily lower than the population size might lead an observer to anticipate, presuming the common assumption that the larger the city, the more serious the problems of episodes such as muggings, rapes, homicides, and assaults. San Diego in 1973 was the ninth largest city in the country, growing very rapidly (at the rate of 3,500 persons per month), and nonetheless stands 43rd in the nation in its rate of violent crime. Add to this the inevitable distortion in figures introduced by population transiency: San Diego imports a large number of tourists each year, some of whom commit criminal offenses, but none of whom are counted in the population base employed to calculate crime rates.

[INSERT TABLE 1 ABOUT HERE]

San Diego records its relatively low rate of crimes of violence (presuming, of course, that the figures may at least in a general way be regarded as reliable measures of actual behavior) despite a rather high number of naval personnel who are stationed within the city and are involved in an occupation and at an age level highly conducive to crimes against the person. One further calculation adds to the equation. Of the dozen cities on the list, San Diego has the lowest per capita ratio between population and number of police officers, that is, the fewest officers per citizen. Its figure is one officer for each 699.6 persons in the city. San Jose is the nearest, with one officer for each 664.5 persons; then the list drops off to

Table 1

Diverse Characteristics of Cities with 250,000 Population or More in 13 Western States*

City	Population (1973 est)	National Rank	% Nonwhite	Number of Officers (1977)	% Black	% Spanish	Violent Crime Rate (1977)	National Rank
Los Angeles	2,747,000	3	23%	7,299 ^a	5.8%	8.6%	1226	13
San Diego	757,000	9	11	1,082	NA	NA	583	43
San Francisco	687,000	14	29	1,559 ^b	7	5	1363	11
Phoenix	637,000	17	7	1,532	3	7	660	38
San Jose	523,000	22	6	787	2	8	511	47
Denver	516,000	24	11	1,384	6	11	979	18
Seattle	503,000	25	13	1,014	3	0.6	826	25
Portland	376,000	35	8	693	1	0.9	1057	16
Long Beach	347,000	41	8	615	3	4	977	19
Oakland	346,000	42	41	656	16	6	1666	5
Tucson	308,000	45	5	515	2	13	512	46
Albuquerque	274,000	42	5	491	0.4	19	839	24

*Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

^a For 1976 ^b For 1979

Tucson at one officer per 598.1 people; Long Beach at a ratio of 1 per 564.2, down to Los Angeles, whose 1 per 376.3 ratio can at least in part be explained by the vast geographic distances that must be policed.

Let's move in somewhat closer to the ethos of the San Diego department, as indicated by some of its written materials, to see if these might be related to the numerical information with which we have started to portray the the Department. As most police organizations do, the San Diego agency sets forth a general statement of purpose. Such proclamations tend toward motherhood-type conventional, perhaps by the nature of their purpose, and San Diego's assuredly is no exception: "To maintain a peaceful and orderly community, to protect the lives and property of its citizens, to reduce opportunities for criminal acts, and to apprehend individuals suspect of committing criminal acts." At the same time, the San Diego training materials, which are the most voluminous among those of all the 14 cities which we visited, include a nine-page, single-spaced essay on "Enforcing Law Impartially," which opens with a rousing quotation from Thomas Jefferson's inaugural address, and tells the recruits that they are part of a "revolution and reformation" striving for, among other things, the "equal and exact justice for all men" of which Jefferson had spoken. It is noteworthy that the training documents recognize that the recruit "may not agree entirely" with the civil libertarian principles that are enunciated in this particular plan, but it is argued that "an awareness of these assumptions will give you a better chance of benefitting from this training experience." The document is in essence a moving plea for the recruit to perform his or her job with respect for all persons; and part of the argument is that in doing so the job will be made easier. But there is also a strong appeal to idealism. "Impartial enforcement is intellectually and emotionally consistent with the

basic foundations of democratic government and its legal expressions and guarantees."

That any relationship exists between compassionate and impartial law enforcement and the extent of use of deadly force is certainly arguable. What the lesson plan, read in its entirety, attempts to do is to undercut stereotypes, so that officers are alert to respond to all situations in something of an uncontaminated manner. The problem, of course, is that stereotypes tend to be exaggerated caricatures with some statistical basis in fact, at least on some occasions, and law enforcement work often relies heavily upon statistical probabilities and inferences. In short, a considered judgment on these materials has to be that, desirable as they may be in regard to democratic ideals and human decency, they very likely bear little relationship to deadly force usage except in terms of their constant stress on cool judgment on the part of the officer, on sophisticated assessment of each situation before taking action. They also convey an incessant emphasis on regard for human beings as people, a feeling that may inhibit the firing of weapons by officers.

Organizational Features. The San Diego Police Department is obviously an organization that attends scrupulously to its paperwork. Our materials include a 28-page detailed structure of the manner in which the Department is arranged in terms of command/positions, subordinates, lines of responsibility, and similar conditions. Had our sample been large enough and the organization arrangements distinctive enough and the number of shootings by police discrepant enough, it might have been possible to draw some conclusions about these matters as they related one to the other. But this would require much more extensive and targeted work than that mandated for the present in providing in numerical terms important data regarding a police department as that de-

partment's record of use of lethal force comes to be interpreted. Does lethal force tend to be used more or less in departments which come nearest to matching the makeup of their forces in terms of the constituent ethnic and racial elements of the jurisdictions' population, or does this factor seem to be irrelevant? And what changes over time appear to take place, from jurisdiction to jurisdiction? We would stress again that since lethal force, while not uncommon, certainly is not an event of large dimensions, it is essential that samples of some size be employed for rather long periods of time in order to gain assurance about the integrity of findings.

On Lethal Force Policy. The San Diego training manual highlights on a separate page some views regarding the use of lethal force. The points are well made, and therefore it is worth repeating the three-paragraph statement in full: It appears as the Introduction to the training section on firearms:

You are a police officer by choice. Your decision to become a police officer places upon you the responsibility of making decisions which will frequently affect other people's lives. The most critical decision you may be responsible for, is whether or not to fire your weapon in life or death situations to totally incapacitate someone. A police officer, without regard to rank, assignment, or experience, may have to make such a decision at any time.

A primary goal of Firearms Training is to ensure that each officer has the knowledge and understanding necessary to make a valid life or death decision. An equally important goal is to develop each officer's ability to skillfully and confidently use incapacitating force with a handgun or shotgun.

This section of training will stress a complete understanding of the moral, civil, and criminal liabilities and restrictions in the use of force with firearms, including pertinent Penal Code sections and all Department Instructions and policies. Each officer will be trained in the skillful use of the handgun and shotgun and will become familiar with the nomenclature and operation of other types of weapons.

One feature of the preceding quote stands out for present analysis. Putting aside its rhetoric, which we find quite good, it raises the question of whether instruction in the use of deadly force ought to be incorporated within the segment of the training program devoted to firearms instruction. This is the most common practice among the departments surveyed. The argument for such incorporation assuredly would be that in terms of logic and coherence, this is where the subject best should be handled, at a time when other aspects of firearms use are being communicated. In such a way the recruit will get a thoroughgoing overall view of all dimensions of the subject. The counterargument perhaps could be that the subject of deadly force is overwhelmed by other, perhaps more interesting, materials when it is included within the firearms training segment. Several of the present writers recollect their own experiences on rifle and sidearm ranges, and by far the most vivid recollection has to do with issues of marksmanship: how do you aim and anchor yourself most effectively so that you can record the best possible score during the practice and examination session. Other materials take a distant backseat to the excitement of the competition and the curiosity of one's ability in a novel enterprise. It may well be that instruction in the use of deadly force should be far removed both in time and subject matter from the segments dealing with weapons use. But this is an empirical issue, and perhaps some answer could be had from small-scale experiments which attempt to provide some resolution of the issue. We could, for instance, vary the positioning of the deadly force instruction, keeping its content unchanged, and at least derive some idea of how well the material "takes," that is, how well it is recalled under diverse instructional conditions.

In San Diego, a further document with the catching title: "Shoot-No Shoot" sets forth a single page in the ingredients of the California Penal

Code's various sections that bear upon the legal interpretation of the use of deadly force. The five Penal Code provisions have as their major titles: P.C. 835 - How an arrest is made and what restraint allowed: P.C. 835a - Reasonable force to effect arrest, prevent escape is permissible; P.C. 843 - What force may be used; P.C. 196 - Justifiable homicide by police officers; and P.C. 198 - Bare fear of offense is not sufficient to justify killing. There is a large and very sophisticated literature on the question of statutory interpretation, by legislation and case law, of deadly force regulations, and there is no need to repeat any aspects of these through exposition here. What needs to be said is that the setting forth of the penal code provisions, while informative, opens up as many or more questions as those to which it is responsive. There is most commonly the employment of terms that defy consensual definition, particularly terms such as "reasonable" and "necessary" which pervade the statutory materials. Obviously, the instructor would take it upon himself or herself to clarify, presumably with examples, some more precise meanings of these words as those meanings have been put upon the terms and phrases by the courts or as they have existed in the common law. But it would not be amiss to incorporate such materials within the training handouts so that they might be available for careful consideration then and later by recruits and officers. It is possible that such absence of clarification was partly responsible for the necessity for more formal rules (as we shall see a few paragraphs below) to have been issued by the chief early in 1979, on the Department's "Firearms Policy."

The session that is labeled, in capital letters, COMPLETE UNDERSTANDING OF THE USE OF DEADLY FORCE, takes up four hours of the recruit training program. The first part is devoted to the setting forth of the Penal Code provisions. A second concerns itself with "considerations to address in

determining whether or not to resort to the use of deadly force." It is noted thereafter that 'students will be required to know all these factors.'

The factors are:

1. Type of crime and suspect(s)
2. Threat to lives of innocent persons, both present and future
3. Immediacy of the threat
4. Capability and type of the suspect's weapon
5. Present capability of the officer
6. Situational awareness (presence of mind)
7. The law and department policy

The ordering of the considerations may be arguable--some might think that the law and department policy should head the list--but perhaps most susceptible to a bit of second-guessing is the absence in writing of information on the issues, or, put another way, the dependence on the thoroughness of the instructor in transmitting the materials, and the diligence and memory of the student in incorporating them.

The lesson plan also calls for review of firearms policy in regard to carrying arms on duty, reporting and investigating shooting incidents, carrying weapons and escorting prisoners on airlines, and the handling of injured animals. There is a section on the civil liabilities associated with the use of deadly force by officers; another titled "moral responsibilities in the use of deadly force," and, finally, a segment which deals with the psychological and physiological reactions to stress, a subject much favored by virtually all of the police department training guidelines that we had an opportunity to examine. In each instance, the lesson that the San Diego police group is attempting to convey forms part of the package. It suggests that it is "normal to become tense" and that "a difficult situation" can

make you become "slightly anxious." It is debatable whether this material properly belongs in the session on deadly force, particularly given the rather limited time--four hours--that is devoted to the topic in its entirety.

The training materials are not without their own tone of foreboding that probably becomes associated in some way with the use of deadly force, for better or for worse. There is, as Illustration 1 shows, a picture of a mildly ominous looking man, black by race or by poor printing processes, and some dire warnings: "Remember the suspect has the element of surprise and the reaction time in his favor. When approaching the suspect, 'Watch his hands.' He may have or reach for a weapon, or attempt to dispose of incriminating evidence." The advice certainly is very much in order, though the picture of the suspect seems to add little or nothing to the warning to trainees.

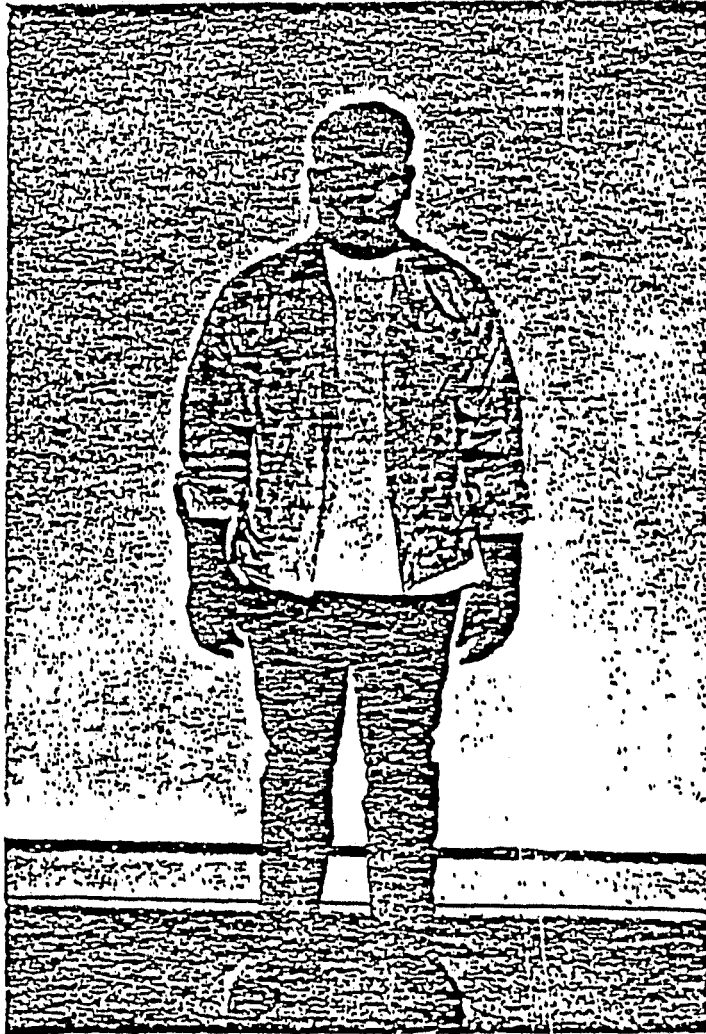
[ILLUSTRATION 1 ABOUT HERE]

Other Department materials include an administrative bulletin that sets forth the rules for carrying weapons and escorting prisoners on airlines, since these behaviors are governed by the regulation of the United States Department of Transportation and the Federal Aviation Administration. The rules are exceedingly elaborate, and indicate the kind of forethought and awareness of possible contingencies that ought to be part of the preplanning for situations involving potentiality of danger associated with weapons. These guidelines, however, do not bear directly enough upon our subject to take them up in further detail here.

The San Diego Police Department also provides a list of types of revolvers which are approved for officers. The same directive prohibits chrome or nickel finishes on weapons, and orders that guns are not to be cleaned, repaired, or unloaded in any police facility.

The training materials for San Diego further include a segment on Arrest

ILLUSTRATION 1



Be on the alert for the unexpected. Remember, the suspect has the element of surprise and the reaction time in his favor. When approaching the suspect, "Watch his Hands." He may have or reach for a weapon, or attempt to dispose of incriminating evidence.

and Control which offers a series of exercises transmitting methods to disarm a person carrying a weapon. In addition, there is a very good segment on "Conflict Management," which provides some time-tested advice on how to cool off potentially explosive situations. There is advice to "act as a guest" in a house to which the officer is summoned or has to go on a situation not requiring more aggressive entry. "Be gentle, reassuring; touching is advisable when appropriate," the guidelines suggest. They note that it is not a good idea to "stand over a person you are talking with." These hints are largely for domestic violence situations, and they end with the idea that the officers "sit if they wish, stand if they wish." And, finally; "Don't take sides." There is also a great deal of information on how to handle mentally disturbed persons, a subject of some importance in the area of deadly force because of the erraticism of such individuals and the sometimes-inability of persons accustomed to more normal behavior and cues to make sense of what the mentally deranged individual is up to, a matter which can be frightening and lead to untoward response.

Finally, in the material on Law of Arrest, there is the following scenario in the San Diego training materials. An officer discovers a burglar inside a commercial building at 3:00 a.m. The burglar, carrying one half million dollars in diamonds, runs from the officer after being told that he is under arrest. The officer knows that he cannot possibly catch the man unless he shoots him. The potential law enforcement officer has the following questions to consider:

1. Could he legally shoot the suspect in the leg to wound him?
Why/Why not?
2. Could the officer shoot to kill? Why/Why not?

It might be a useful idea, we thought, to pass up such hypothetical materials and concentrate on actual case studies from the files of the Department, those that either are suitably old so that no person's reputation is possibly compromised, or suitably camouflaged so that the same end is achieved. We suspect that the recruits would find it more absorbing to second-guess actual instances, with their tendency to have a greater translation into immediacy and reality. If something has happened, and happened in a setting known to the officer, then it seems possible that it might happen again, and to him, and the lesson might seem to have more relevance to what he finds is essential to learn and comprehend fully.

Firearms Policy. The training materials are made more definitive by a 6-page memorandum circulated from the Chief of Police in San Diego to All Sworn Personnel, dated March 14, 1979, and titled "Firearms Policy." The memorandum notes in its heading that, among other things, it is concerned with the institution of a police shooting review board. The preamble observes:

Contemporary society, the legislature, the judiciary, and the Department place a greater value on the preservation of life than on the apprehension of criminal offenders. For this reason, the Department considers firearms to be used only when necessary to protect human life, or to prevent bodily injury.

The memorandum is worth setting forth in some detail because it clearly represents the result of some considerable thought by a department that obviously takes great pains to establish orderly and sophisticated procedures.

The policy of the San Diego Police Department is set forth as decreeing that officers shall use a firearm only as a last resort when it reasonably appears necessary. There is, it will be seen, no way to avoid the uncertainties of "reasonably" and "necessary," though the phrase "as a last resort" qualifies both words to an extent. The conditions under which weapons may

be used by officers are set forth under three major headings: (1) To protect themselves from death or serious bodily injury; (2) to protect another officer or any other person from death or serious bodily injury; and (3) to apprehend a fleeing felon "reasonably known" to be armed with a "deadly weapon" or a felony involving great bodily injury or the threat of great bodily injury.

The policy statement also deals explicitly with the use of shotguns, a matter not generally considered as such in the material that we have from the dozen other departments which we visited. It is noted that police vehicles should be locked when the officers are not in them, so that shotguns may be safeguarded. On the use of the weapons, the guidelines observe "in the use of shotguns, there will be times a decision will have to be made whether or not to utilize it before the exact situation is known." The following general rules are established: (1) The shotgun may be taken from the vehicle in most cases where a felony is in progress or when it has already been determined that guns are involved; (2) it shall normally not be taken in calls of family disturbances, fights or other type cases where a felony is not in progress or when there is no prior known evidence of guns being involved; (3) a shotgun can be a hindrance in certain situations--foot chases, handling and searching prisoners, confined areas.

The San Diego Police Department also prohibits warning or attention shots fired into the air or ground, noting that such shots "present a danger to officers and to innocent persons." The rule, however, is a bit ambiguously phrased with the qualifier that such actions are "generally" prohibited, so that a reader is left uncertain regarding particular conditions that might allow an exception to its mandate. The same phrasing is employed in another rule of conduct, this one noting that "firing at or from moving vehicles is generally prohibited." The rule is justified on the ground that "experience

shows that such action is rarely effective and is extremely hazardous to innocent persons." That the stipulations are qualified by "generally" is, of course, traceable to the fact that some conceivable situations might arise where the conduct prescribed would constitute effective and necessary law enforcement tactics. But it might be desirable to specify such conditions to provide some sense of the more definitive meaning of the specification.

The Department also points out that firearms are neither designed nor intended to be used as clubs and are not to be employed to strike persons. Again, the phrasing that this course of action is "generally prohibited" is employed.

Reporting Firearm Discharges. When weapons are fired, almost all police departments insist on a formal report in the wake of the incident. The 1979 San Diego Police Department policy statement is particularly detailed in setting forth the procedures that are to ensue in the aftermath of a weapon firing. How such procedures bear upon the use of deadly force remains, of course, another important issue that requires focused investigation. It can be assumed, as a rule, that law enforcement officers, like the rest of us, tend to have a certain inertia about bureaucratic requirements, and that the more detailed and tedious the reporting requirements the more the behavior that will bring them into motion will be avoided. But this is only a general statement; it is also true that beyond a certain point rules merely elicit evasion if they are regarded as too intrusive and/or too unreasonable.

In San Diego, the following procedures now are policy. If an officer, either on or off duty, accidentally or intentionally discharges a firearm, except on the target range, he has to report immediately to the station supervisor about the episode. Then as soon thereafter as practicable, he is

required to submit a written report to the same supervisor. "When appropriate," that supervisor is required to dispatch a supervisor to investigate and submit a report on the incident. A form PD-128 ("Notification of a Shooting Incident") is to be prepared and sent directly to the Inspector of the section on Investigation and Internal Affairs in the Department.

If there has been an injury or a death from a gunshot, or if the event involves a possible criminal violation in regard to the usage of the weapon, the following police officials, in order, are to be notified: (1) the lieutenant in charge of homicide; (2) the Inspector of Investigations; (3) a representative of the City Claims office; (4) the area commander; and (5) the Personnel section sergeant or investigator on call. This last notification is to be made only in the case of injury to a law enforcement officer.

Rules are established for the release of information to the press:

Release of information or statements regarding the incident shall be the responsibility of the Investigations supervisory personnel assigned to investigate the shooting incident. Officers involved in the shooting incident shall not discuss the situation at the scene with anyone other than the initial ranking officer on the scene and the assigned investigative personnel.

When there is a shooting incident involving death or injury to any person, the matter is to be handled by members of the homicide unit. In any instance, in which an officer shoots and kills or injures another person, that officer is to be relieved of field duties until the completion of the investigation by the homicide unit. Thereafter, the officer may be returned to full duty. An interim assignment is to be made by the appropriate Deputy Chief.

Internal Affairs ultimately receives the materials on the shooting, and there is an elaborate specification of the various forms of action that this Unit may take in regard to any particular case. Ultimately, the Internal

Affairs' report goes to the Chief of Police. The Chief decides whether the matter is to end on his desk, or whether it should be forwarded to the Police Shooting Review Board. That Board has authority to decide on whether Department policies have been followed in the episode under review. It also is to take heed of the event and to formulate training guidelines that seem to have been overlooked, if they have, in terms of the case under assessment. The Board may also carry out a further investigation of the case that comes under its purview. The Board is made up of the Inspectors of Investigations, Support Services, and Pistol. The deputy city attorney and the Range Master sit in as advisors to the Board. When its review is finished the Board is mandated to submit a written report with one of the following conclusions: (1) the episode fell within policy; (2) it was a violation of policy; (3) it was accidental; and (4) "not within policy/exonerated." The last ruling is to be restricted to cases in which the "Board's investigation reveals that the officer's actions were justified."

Use of Deadly Force. The San Diego Police Department compiles on a quarterly basis a report on Police Shooting Incidents. Table 2 indicates the format used by the Department. It will be seen that the Report notes shootings both by and at police officers, and includes a comparison with the previous year.

[INSERT TABLE 2 ABOUT HERE]

For our purposes, we have found it more effective to reconstitute the diverse quarterly reports regarding the shooting episodes into the summary forms represented by Table 3. This done, some interesting relationships begin to emerge, though again strong warnings must be posted about regarding these as anything more than mildly suggestive matters, given the single jurisdiction and the limitations of the materials with which we are working.

TABLE 2

Quarterly Report on Police Shooting Incidents with
 Comparison with Previous Year
 San Diego: January-March 1979 and 1980

	<u>Jan-Mar 1980</u>	<u>Jan-Mar 1979</u>
TOTAL SHOOTINGS BY POLICE OFFICERS:	9	15
Suspects Killed:	1	4
Suspects Injured:	2	4
Shots Fired at Suspects -		
Not Injured:	1	2
Accidental Discharge:	3	2
Warning Shots:	0	2
Severely Injured or Dangerous		
Animals:	1	1
Other:	1	0
TOTAL SHOOTINGS AT POLICE OFFICERS BY SUSPECTS:	1	3
Officers Killed:	0	0
Officers Injured:	0	2
Shots Fired at Officers -		
Not Injured:	1	1
Other (uninvolved bystanders):	0	0

[INSERT TABLE 3 ABOUT HERE]

It will be noted that the number of incidents involving weapon use by officers in San Diego had doubled since the first year of the reports with which we were supplied--1976--in contrast to the final full year, 1979. At the same time, the 36 such episodes in 1977, is not far different from the most recent figures. And, of course, the population of San Diego which, according to a recent news story (New York Times, October 6, 1980, A18, column 1-5), grows at the rate of 3,500 persons per month, can more than adequately explain the increased number of police shootings, all other things being equal.

The difference between shots fired at police officers and those fired by them is manifest in the distinctions between the numbers found in the upper and lower half of Table 3. In general, there are four to five times more shots fired by the officers than at them, though the figures would be somewhat closer together if the Accidental Discharge of weapons was eliminated from the calculation, as it well might be, if we can assume that these figures accurately reflect the category in which they are placed. It is also likely, we suspect, that the reports of firings by officers are more likely to reflect actual totals than those at officers, presuming that some shootings at officers indeed remain unknown, if there is enough of a miss or if the shot is from a distance and has no discernible repercussions. But this is pure speculation, and more detailed field investigation would be required to ascertain its accuracy.

We undertook one recalculation of the shootings episode figures to determine if anything might be uncovered by such a maneuver. Table 4 shows how the figures taken from the San Diego Police Department Quarterly Reports look if the number of shootings are calculated by quarterly periods. Rather

TABLE 3

Shots Fired At or By Police Officers, San Diego, 1976-1979

Category of Event	Year				Total
	1976	1977	1978	1979	
<u>By Police Officers</u>					
Suspects Killed	5	5	3	7	20
Suspects Injured	3	9	5	7	24
Shots Fired at Suspects - Not Injured	9	11	14	7	41
Accidental Discharge	2	6	8	15	31
Warning Shots	0	3	1	4	8
Other	1	2	0	0	3
Subtotals	20	36	31	40	127
<u>At Police Officers</u>					
Officers Killed	0	1	1	1	3
Officers Injured	1	2	1	3	7
Shots Fired at Officers - Not Injured	6	1	3	3	13
Subtotals	7	4	5	7	23
Totals	27	40	36	47	150

Source: Compiled from the reports of the San Diego Police Department

surprisingly, significant variations appear over the seasons of the year in terms of the total number of episodes. It is clear from Table 4 that strikingly for shots by officers, and somewhat for shots at officers, the time interval including October, November, and December is the "safest" part of the year for all parties. Why this should be so poses something of a riddle. In some places, all violent crime tends to increase rather strikingly when the weather heats up. But San Diego, with a yearround amiable climate, can hardly be fit into any kind of explanatory pattern based upon such considerations. It is not impossible that the seasonal spirit of Christmas, for jollity and depression, just as it effects things such as suicide rates, also has an impact upon the use of weapons in the police field. But this is only what may be a far-fetched hypothesis.

[INSERT TABLE 4 ABOUT HERE]

Crime Rates. The San Diego Police Department tabulates for internal purposes the level of crime on a fiscal year basis, for July 1 of one year through June 30 of the following year. We have abstracted from these reports the totals for three offenses: homicide, aggravated assault, and robbery, and present the figures in Table 5. The offenses were selected because they best seem to provide some indication of the sorts of things which we are seeking. Homicide, the criminological literature points out, is the only offense for which there is apt to be some reasonable relationship between the occurrence of the behavior and the figures reported by law enforcement authorities. Undoubtedly, many homicides--experts suspect somewhere in the range of ten percent--do not get discovered, but there is little reason to doubt that this figure does not vary much from year to year, especially over a quite short-run term. In addition, of course, homicide par excellence represents the infliction of deadly force, the phenomenon of concern to us.

TABLE 4
Shots By and At Police Officers by Quarterly Periods
San Diego: 1976-1979

Period	At Police	By Police	Total
January-March	5	42	47
April-June	8	38	46
July-September	6	28	34
October-December	4	19	23
Totals	23	127	150

Source: Compiled from the reports of the San Diego Police Department

On the other hand, a very large portion of homicide tends to be the consequence of family disputes and fallings out between acquaintances, such as in barroom fracas, and thus not really representative of an ethos of violence in a jurisdiction that might provide a better sense of lethal force as it plays into the use of weapons by law enforcement officers.

[INSERT TABLE 5 ABOUT HERE]

Aggravated assault, at least in definitional terms, tends to get more closely at aggressive levels in a social system that break out into criminal offenses. But the definition of what constitutes aggravated assault is notoriously amorphous and the level of reporting may well be quite erratic, particularly from one jurisdiction to another. Also different jurisdictions may regard quite different kinds of behavior as falling into the aggravated assault category; indeed, many states do not have such an offense, so denominated, on their books, and must translate other penal code sections as falling within or without the parameters of aggravated assault. Finally, robbery, a crime involving force and/or fear, strikes us as epitomizing street offense situations that create the kinds of atmosphere that might be associated with the use of deadly force both by and against police officers. It is a street offense, involves face-to-face contact, and quite often places the offender in jeopardy of resistance by a victim, which evokes the use of violence.

The table clearly shows, except for homicide, an almost straightline escalation in each of the offenses from 1976 through 1979. Most pronounced is the rise in all three categories in the period between 1978 and 1979. On the other hand, if we calculate the population growth of San Diego as approximately 6 percent a year, we find that for aggravated assault and robbery the rise in the number of offenses between 1976 and 1979 is not far disparate

TABLE 5

Homicide, Robbery and Aggravated Assaults Offenses
San Diego: 1976-1979

Year	Homicides	Robbery	Aggravated Assault
1976	66	2,154	1,499
1977	57	2,452	1,541
1978	53	2,430	1,610
1979	92	2,769	1,838
	268	10,484	6,488

from the growth in the number of persons within San Diego's bounds. The 40 percent increase in homicides in the same four-year period may be idiosyncratic, particularly with the lower rates of 1977 and 1978 preceding the striking escalation for 1979.

How do the crime rates appear to relate to the figures for the use of deadly force in San Diego? Table 3 on page 34 offers a summary compilation of the figures for shootings during the same four-year period. It is obvious that the 100 percent jump in shootings by police officers over the time span exceeded the population growth as well as the rise in the amount of crime. The 30 percent rise (31 episodes in 1978 and 40 in 1979) also is a rather sharp growth. It is noteworthy that suspects killed by the police equal about 7.5 percent of the total number of homicides in the city (presuming that these events are counted in, since they most generally are classified as "justifiable homicides"). If we take only the first three lines of Table 3 involving shots fired at suspects, presumably with lethal intent, the totals for the four years of 17, 25, 22, and 21 do not appear in any notable way to mesh with the crime figures for the City that we have set forth, particularly when a population increase factor is entered into the calculations and comparisons.

MIAMI

Miami is less than half the size of the city of San Diego, though it too has a heavy tourist influx that probably plays a bit of havoc with the numbers that are employed to calculate the rates for crime and similar phenomena. As Table 6 indicates, Miami in 1973, the year used for our calculations, was the 39th largest city in the United States. It has a very heavy nonwhite population, at 23 percent, more than twice as high as that for San Diego.

Miami is also heavily policed compared to San Diego as well as the other western cities for which the figures are set out in Table 1 on page 18. Its 482.9 population for each police officer is a striking contrast to the San Diego figure of one officer for each 699.6 persons. Miami might also reasonably be characterized as a jurisdiction suffering from a reportedly high rate of crimes of violence. Only 39th in the nation in population, it nonetheless ranks 9th in its violent crime rate, as can be noted in Table 6.

[INSERT TABLE 6 ABOUT HERE]

For Miami, as well as for the cities we survey in the following segments of the report, we want to select items that supplement or contradict or otherwise flesh out the information that we provided in regard to San Diego's approach and situation in terms of police use of deadly force. The ordering of the cities follows no predetermined guidelines, except the general one of moving about to different geographic regions of the United States.

Mission Statement. The statement of its mission by the Miami Police Department is rather longer than that for San Diego. It is also a bit more strongly worded. Forceful might be a better characterization of the following statement of its mission set forth by the Miami Department.

The Miami Police Department is dedicated to making the City of Miami safer, reducing the fear of crime

TABLE 6

Diverse Characteristics of Cities with 250,000 Population or More
16 Southern States* and Washington, D.C.

City	Population (1973 est.)	National Rank	% Non- White	Number of Officers (1977)	% Black	% Spanish	Violent Crime Rate(1977)	Rank
Houston	1,320,000	5	27%	2817	4%	5%	705	35
Baltimore	875,000	7	47	3410	13	NA	1632	6
Dallas	816,000	8	24	2004	5	4	1091	15
San Antonio	756,000	10	9	1102	NA	NA	497	49
Washington	734,000	11	72	4166	44%	0.5	1341	12
Memphis	659,000	16	39	1241	15	NA	794	29
New Orleans	573,000	19	46	1600	12	2	1038	17
Jacksonville	522,000	23	23	979	NA	NA	799	28
Atlanta	451,000	28	52	1225	28	NA	1684	3
Nashville	427,000	29	20	896	NA	NA	693	36
Oklahoma City	374,000	36	16	672	NA	NA	721	32
Fort Worth	360,000	38	10	671	4	NA	711	33
Miami	354,000	39	23	733	10	NA	1510	9
El Paso	353,000	40	3	664	NA	NA	442	50
Louisville	336,000	43	24	727	NA	NA	649	40
Tulsa	335,000	44	13	639	NA	NA	552	44
Birmingham	296,000	46	42	679	5	NA	965	20
Austin	291,000	47	13	442	5	8	433	51
Charlotte	285,000	49	31	596	15	0.2	788	30
Norfolk	283,000	50	30	604	6	NA	688	37

*Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

through fair and impartial enforcement of laws, maintaining responsiveness and concern for the needs of the community and members of the Department, and encouraging citizen involvement with the police in meeting common goals. The Department recognizes the responsibility to create a climate in which individuals can function freely and securely; and which insures the dignity and worth of individuals and their rights to participate in those experiences which enable them to develop to their fullest potential. To this end, the Department of Police is dedicated.

Commonplace rhetoric aside, the statement seems to us to be what might be called "citizen-oriented." How much, and in what degree it either reflects or influences the ethos and activities of the Miami Department is well beyond determination. Sometimes, missions statements are boilerplate filler in training manuals or annual reports, drafted by a lone individual in the public information office. At other times, they uniquely reflect what a leader has inculcated his officers with, in terms of philosophy or what he hopes to achieve within the department. It would be interesting as a research project to determine how much officers in a department agree with the working and the priorities of the organizational goals, how often and in what respects they disagree, and what consequences such congruence or dissonance possesses for morale and for other aspects of department work, including attitudes about and use of deadly force. (See Volume III of this Report for the start we have made in this research category.)

The Annual Report of the Miami Police Department includes a rollcall of those officers who have been killed in the line of duty. The list occupies the penultimate page of the 1978 report, which is the one that we have in hand. It lists 24 officers, the first killed in 1915 and the last in 1971, under the title IN MEMORIAM, with the following tribute: "The below listed officers gave their lives in the performance of their sworn duty. While their memory may dim, the tenets and ideals which this ultimate sacrifice

represents serve to strengthen and encourage all of us who now serve in their footsteps." The page immediately preceding the memorial list is the last of the dozen pages in the 63-page report which are taken up with a major law enforcement event for the year. This page notes that on October 19, "seven and one-half years after the ambush murder of Miami Police Officer Victor Butler, John Lan and John Johnson were arrested and charged with the incident. Thus ended the investigation which entailed countless man-hours expended by Miami's Homicide Unit."

Personnel. The annual report also breaks down the total number of sworn personnel by rank and salary for the 1978-79 fiscal year. It lists 704 sworn officers, a bit below the total reported in the national tabulations for police departments. Some 688 of the positions were filled, according to another report: These persons subdivided into 7.7 percent women; 67.8 percent white; 13.6 black; 18.4 percent Spanish; and 0.1 percent others.

Legal History and Lethal Force. In May, 1980, the city of Miami experienced a series of race riots. During the height of the rioting, on May 18, the Police Department announced drastic revision of its policy on the use of deadly force. Less than two weeks later, the supporting documentation that had led up to the change was forwarded from the Acting Assistant Chief of the Department to the Chief. It included a brief review of the legal aspects of the use of deadly force that, being unique among the documents that we gathered, is worth setting forth here, as further perspective on the issues we are addressing.

The report notes that in Florida the existent Deadly Force law derived from 18th century American common law, which essentially stated that a law enforcement officer could use deadly force to prevent the escape of a fleeing misdemeanant. During the 18th century, felony crimes were punished by death

after trial and conviction, which provided the philosophical and ethical rationale that underlay the Florida statute. Thereafter, the number of felony crimes increased greatly, the line between felonies and misdemeanors became blurred and often illogical by most reasonable standards, and, of course, the death penalty was severely restricted, so that ultimately it came for practical purposes to apply only to murder. The Miami review notes that such changes "placed law enforcement officers in a position of using 18th century deadly force common law in a 20th century environment that has vastly changed all the elements impacting upon a deadly force decision." It was pointed out that the Florida statute, taken literally (as the courts might be wont to do) permitted deadly force to kill a fleeing felon for crimes such as the printing of lottery tickets, possession of narcotics or controlled substances, worthless checks, bribery, and income tax fraud. It was presumed that such a widespread net was not intended by the original progenitors of the common law doctrine--or at least was now outdated.

Modifications in the Florida statute had included the interpretation that deadly force could only be used if arrest could not otherwise be affected. The "probable cause" factor also was factored into the decision equation: now it was necessary that an officer reasonably believe that the individual had committed or was committing a felony before lethal force could legally be employed.

In 1971, the Chief of the Miami police sought an advisory opinion from the Attorney General in the light of a series of court decisions in the State (Gordon v. Alexander, 198 So. 2d 325; City of Miami v. Alexander, 136 So. 2d 535; Hutchinson v. Lott, 110 So. 2d 442; and Dixon, et al., v. State, 132 So. 684), plus a U.S. District Court decision, the precise citation of which the Chief could not for the moment locate. The Chief had asked that "because of

the urgency of the situation, any information that you can furnish will be very much appreciated." What was requested was a ruling on whether a Chief might restrict the conditions under which deadly force was permissible. The answer, in essence, was "No." In a closely-reasoned six-page memorandum, the Attorney General argued that the Chief could not narrow the scope of an officer's authority, and that disciplinary action initiated by a Department in violation of a more restrictive policy would not be upheld by the courts.

In 1974, the state legislature amended the rules to restrict deadly force usage by police officers to prevent death or great bodily harm or to prevent the escape of a felon whose escape would endanger human life or potentially inflict great bodily harm. The following year all this was excised, and matters returned to the common law position supplemented by the 1971 opinion of the Attorney General. A 1976 Attorney General's opinion, however, suggested that police authorities could restrict for their department the common law position. This opinion by and large relied upon the case of Chastain v. Civil Service Board of Orlando, 327 So. 2d 230 (1976). In the course of its opinion, on p. 232, the Court had said:

We know of no reason why the standard of conduct by which the law measures criminal or civil liability necessarily prohibits the police department, in the course of regulating its own members, from imposing upon them a more stringent standard, the violation of which would subject the offending member to departmental disciplinary action even though such violation might not be of a nature as to subject the offender member to criminal or civil liability.

Reading between the lines, we would suspect that the common law standard was exerting too much of a strain in terms of its discrepancy with current-day conditions. The failure of the legislature to attend to the matter for the State as a whole put a particular burden upon its largest city. In 1978 the Miami Police Department began a research inquiry to determine the need,

if any, to change the Department's policy on the use of deadly force. In 1980, the new policy was enunciated; a matter to which we will attend later in this segment of our report.

This brief summary is presented in greater detail in the appendix of Volume III of this Report.

Training Materials. As does San Diego, but to a much greater extent, the Miami Police Department in some of its training and personnel materials places very heavy emphasis on the issue of "stress training." There is no gainsaying in any matter or form that law enforcement involves a good deal more than its fair share of stressful situations. The often-erratic nature of the work shifts, the swift plunge from danger and excitement into long-enduring tedium, the danger itself, the varied personalities with whom the officer must interact in any given tour of duty--all of these and many more components of the job can prove quite stressful to even the most even-natured person. At the same time, police departments, it might be argued, too readily put into what might be regarded as faddish kinds of regimens which are advertised as helping officers cope with stress. This again is a matter that requires a good deal more careful investigation, a matter well beyond our charge.

In Miami, the stress program is heavily medical, and, among other things, employs a biofeedback technique. There is advanced training for officers identified as having problems, the "heavy hitters," as they are called in the vernacular, the persons with numerous complaints lodged against them. They are offered six hours of individualized counseling with psychologists who are paid by the assignment, but who do not work as permanent employees of the force.

The segment of the training materials on patrol takes up standard oper-

ating procedures in what are called life-threatening situations. Such situations are defined as those "where information indicates that a person could be armed with a weapon or situations where a person is armed with a weapon but does not pose an imminent or direct threat to the officer." An officer is told that when approaching such a situation he should have his weapon drawn and should use available cover to increase his personal protection and safety.

Instructions given are that in a life-threatening situation, where the officer is not imminently or immediately threatened, the words "POLICE, DON'T MOVE" should be shouted "sincerely and confidently" in an attempt to prevent a shooting situation. But when all else fails and life is in imminent danger, the officer is told: "Apply deadly force before he does until the offender stops being a threat." The officer is instructed to "use instinctive and point shooting techniques."

There is an addendum to this material of some note:

As a final word, officers who have been shot and survived, or who have come close to being shot, invariably say the same thing, "I DIDN'T THINK THE SUSPECT(S) WAS A THREAT" and "I COULDN'T BELIEVE HOW FAST IT HAPPENED." Keep this in mind when you're out in the street.

The Miami training curriculum is derived from the work of the Florida Police Standards and Training Commission. There is no section specifically on the matter of lethal force, and what instruction is given appears to be part of the segment regarding weapons training.

Shooting Statistics. During the course of the inquiry to determine whether new standards ought to be promulgated regarding the use of deadly fire, the officer assigned to tabulate figures found, especially for the 1970-1974 period, "the Internal Security files to be incomplete and in disorder."

He reported that the filing system was inadequate for maintaining permanent investigative material and that the information that could be obtained was very subjective and incomplete. Like many a researcher before and after him, he lamented that "therefore the information that could be retrieved had to be done only after a very long and slow process."

We have rearranged the materials in the Miami report for the years 1976 through 1979 in order to have them correspond as best we could make them with the information that we had from San Diego (see Table 3). It will be seen at once that the departments employ very different categorizations for the information that they supply, making any comparisons treacherous. It seems apparent to us that a sophisticated national tabulating system for the recording of weapon discharges and their consequences would be an important step forward toward the acquisition of reliable and informative data that could better direct policy decision-making.

Tables 7 and 8 set out the Miami statistics. Table 7 deals with the consequences of firings; Table 8 provides information on the discharge of weapons. They are not interrelated, so that we do not, as we did in San Diego, know which kinds of shootings ensued in which kinds of outcomes.

[INSERT TABLES 7 AND 8 ABOUT HERE]

The information in Table 7 indicates an uneven pattern of death and injury from police discharge of firearms during the four-year period. It should be noted that only about one-third of the rounds fired from police weapons are accounted for in the post-facto tabulations which we have drawn upon. Except for the 18 wounded "subjects" ("suspects"?) in 1976, which may have been connected with one or a series of similar incidents, the rate has remained relatively constant.

TABLE 7

Subjects, Bystanders, and Officers Killed or Wounded by
Police Weapons Discharges, Miami: 1976-1979

Category	Year				Total
	1976	1977	1978	1979	
Subjects:					
Wounded	18	4	8	0	30
Killed	1	2	0	6	9
Bystanders:					
Wounded	0	0	0	2	2
Killed	0	0	0	0	0
Officers:					
Wounded	0	0	1	0	1
Killed	0	0	0	0	0
<hr/>					
Total	19	6	9	8	42

TABLE 8

Weapons Discharge by Various Categories: Miami, 1976-1979

Category -	Year				Total
	1976	1977	1978	1979	
Persons					
No Threat	5	3	3	1	12
Imminent Threat	18	17	8	13	56
Interpreted Threat	2	2	2	3	9
Property					
No Threat	10	10	6	3	29
Imminent Threat	5	1	1	1	8
Interpreted Threat	1	2	0	2	5
Accidental Discharge	7	10	11	2	30
Not Enough Information	-	1	5	-	6
Totals	48	46	36	25	155

The nine persons killed by the police in the four years is about in the same ratio as the 20 who met their deaths in San Diego. It is interesting that the Miami statistics include a category of bystanders injured or wounded, a group not present (though it should be) in the San Diego materials. There were three officers killed in San Diego during the 1976-1979 period; none in Miami; seven injured in San Diego compared to one in Miami.

Table 8 testifies to a steady decline in the discharge of weapons by the officers in the Miami Police Force. The major contributor, on a percentage basis, to the overall decline can be found in the significantly reduced use of shooting in offenses against property. Obviously, the categories into which different episodes are classified involve a not inconsiderable amount of subjective judgment regarding the ingredients of the episodes, and it is not unlikely that different evaluators would put them into different pigeonholes.

The reports of the Miami police which were put together as background information for the new deadly force policy are broken down by month for the relevant years. This makes it possible for us to construct a table similar to Table 4, which showed firings by month for San Diego. The information is set out in Table 9, though for Miami we have only discharge of firearms, not shots fired both by and at police. The second category, however, as Table 4 indicated, is only a very small portion of the total and does not markedly affect the relationships.

[INSERT TABLE 9 ABOUT HERE]

For some reason, the same seasonal lows and highs occur in Miami as take place in San Diego to a large degree. The October-December period has a much lower total in both cities: 18 percent for the year in Miami and 16 percent for San Diego.

TABLE 9

Discharge of Firearms by Quarterly Periods
Miami: 1976-1979

Period	Number
January-March	33
April-June	37
July-September	49
October-December	<u>27</u>
Total	146

Firearms Policy: pre-1980. It is valuable to see the rules that were set out in the period before the promulgation of new procedures during the May, 1980, rioting and those that were put in force at that time. The Miami Department had an Operational Order--No. 9--concerning Discharge of Firearms. It began, rather unusually, by putting forward the rules for procedures to be followed if an issued weapon were fired on or off-duty, excluding firing practice at an approved range. These included notification of the commanding officer, "as soon as possible," the preparation of The Discharge of Firearms Report (see Illustration 2), by the person firing the weapon. This report was to be submitted, through channels, to the Chief. Each discharge of firearms was to be investigated personally by an on-duty officer of the rank of lieutenant or captain, who had to submit a detailed written report and a diagram of the shooting scene through channels to the Chief. If a wound was inflicted due to a discharge of a firearm, the following divisions had to be notified: Homicide, Identification, and Internal Security. The middle section of the directive spelled out the Florida Statutes and the Attorney General's opinion on the use of deadly force. The delineation of these rules is followed by an interesting moral discourse:

The police officer who fires his weapon in the performance of his duties, bears many responsibilities. He must answer for the act not only to his superiors, his Department and the law, but more importantly to his conscience. Each officer must understand thoroughly what he has a right to do, and what is his duty to do in relation to the use of deadly force. Quick action, with no time for deliberation, is often necessary. A decision must be made and it must be correct. Each officer should ask himself one question before he pulls the trigger--"Am I justified in killing?" If there is any doubt, do not fire.

[INSERT ILLUSTRATION 2 ABOUT HERE]

DEPT., OF POLICE
CITY OF MIAMI, FLA.

ILLUSTRATION 2
COMMANDING OFFICER
SUMMARY REPORT

55
OPERATIONS

DISCHARGE OF FIREARMS

Case # _____

Date/Time _____

Type of Incident _____

TO: CHIEF OF POLICE (THROUGH CHANNELS)

On-Duty _____ Off Duty _____

FROM _____ I.B.M. NO. _____ ASSIGNMENT _____

LOCATION OF INCIDENT _____ ZONE _____

Weather and Lighting Conditions _____ Diagram Included _____

Was Officer or citizen in immediate or imminent danger? _____

If Armed, was Discharge based on Officer's direct knowledge? _____

Type of Weapons Discharged, check appropriate circumstances:

Property Crimes ___ Persons Crimes ___ Accidental ___ Vehicle used as weapon ___

Fleeing Felons ___ Vehicle in chase ___ Warning Shot ___ Deadly force from Vehicle

___ Protection of Officer ___ Protection of Citizen ___

Officer/Offender/Witness Sex/Race/DOB Weapon Rounds/Distance/Time to Fi

(_____)

(_____)

(_____)

(_____)

(_____)

(_____)

(_____)

(_____)

(_____)

(_____)

(_____)

Total number of rounds fired: _____ Number accounted for: _____

Injured (Officer/Offender/Bystander Type/Location of Injury(s) Where Treated

(_____)

(_____)

The directive points out that firearms should not be discharged for purposes of warning, at vehicles or persons involved solely in violations of traffic laws, and, finally, to effect the capture of the driver of a suspected or allegedly stolen motor vehicle unless the shooting is necessary for the defense of life, or the stealing of the vehicle is incidental to the commission of another felony.

Officers are cautioned in the same operational order not to draw their weapons unless their use is anticipated, with the exception of cleaning and training situations. If the weapon is drawn, it is to be carried "down and away" from the body or in a "close hip" position with the trigger finger resting along side of the weapon. If the officer is moving or running, his trigger finger is to be kept off the trigger.

The Discharge of Firearm Supplementary Report (Illustration 3) includes, it will be noted, a demand for details that would provide considerable information about the episode, and allow at least the beginnings of a judgment concerning whether the shooting was justified under law and department policy. It is worth noting that the Department seeks information on weather and light conditions, both of which might be important in adjudicating the event. It probably would be more useful if the Report were a bit more thorough. The light and weather conditions, for instance, might be made more regular by the use of a checklist which could systematize the observations and provide more efficient guidelines for the person preparing the report.

[INSERT ILLUSTRATION 3 ABOUT HERE]

Civil Suits. From 1971 to 1979, 13 civil suits had been filed against Miami police officers having used deadly force. Settlement of the suits cost the Department \$1,649,842, and there remains more than a million dollars

Illustration 3

Department of Police
City of Miami, Florida

Operations

DISCHARGE OF FIREARM SUPPLEMENTARY REPORT

To: Chief of Police (thru channels) Date: _____

From: _____ IBM _____ Assignment _____ Case No. _____

Zone Where Incident Occurred _____ Date & Time _____

Weather Conditions _____ Light Conditions _____

Type of Offense: B. & E. _____ Robbery _____ Agg. Assault _____

Other (Specify) _____

Offender Armed: Yes _____ No _____ Unknown _____

If Armed, Type of Weapon: Firearm _____ Knife _____ Other (Specify) _____

Reason for Probable Cause: On View _____ Radio Dispatch _____

Citizen Complaint _____ Other (Specify) _____

Number of Officers Discharging Firearms _____

Total Number of Officers on Scene at Time of Discharge of Firearm _____

Total Number of Shots Fired _____

Distance from Offender when Weapon was Fired _____

Resistance Offered by Offender: Physical _____ Use of Weapon _____

Other (Specify) _____

Number of Offenders _____ Number Apprehended _____

Race of Offender (s): White _____ Negro _____ Cuban _____

Puerto Rican _____ Other (Specify) _____

Was Offender Wounded: Yes _____ No _____ Unknown _____

Fatal: Yes _____ No _____

Narrative:

that was being held in reserve in regard to pending cases. These suits clearly were influential in some measure in undergirding the revision of the Departmental policies on deadly force; in particular, it is pointed out that all but two of the cases would not have arisen if the new rules--the 1980 set--had been followed.

Included among the civil suits was a \$1 million settlement when an officer fired at a fleeing robbery suspect in 1972, and a stray round struck a bystander. In late 1977, an officer shot and killed a suspect being placed under arrest for suspicion of narcotics involvement. The suspect had made a move toward his waistband, which led to the shooting. His mother filed suit and recovered \$13,587 for the incident.

Few police departments keep detailed, if any, records of the civil suits in which they are involved. Presumably, such records are recoverable from the municipal or other legal offices which are responsible for defending against them. The collection and collation of such materials, it seems to us, would offer a rich lode of information about police operations in general and deadly force cases in particular that is not readily able to be mined, although the Liability Reporter of A.E.L.E. provides a monthly summary of relevant cases. For one thing, the adversary process is apt to bring forth in very full details all the versions of the episodes, with depositions providing an extensive documentation of occurrences. For another, the ebb and flow of such cases might well serve as some kind of an index of what is going on in vital areas of police work. On the other hand, of course, whether or not a suit is filed in any given instance often may be the consequence of rather idiosyncratic factors, particularly either an aggressive lawyer or legal aid organization or considerable publicity attendant upon one successful suit which encourages a number of additional filings.

Change in Deadly Force Policy. At 9:40 p.m., on Sunday, May 18, 1980, the Miami Police Department officially altered its policy on deadly force. That change came, as noted earlier, at the height of rioting that was sweeping through the inner city areas. The new policy was enunciated in the following form:

Officers of the Miami Police Department are not expected to expose their lives to unnecessary or unreasonable risks. Looters should not be pursued on an individual action basis. As 24-hour security posts are established between the National Guard and the Miami Police Department effective control of our City will be obtained with minimal risks to our officers. The following deadly force policy is now in effect:

Deadly Force is authorized as a last resort:

1. To prevent death, or great bodily harm to the officer or another person, or
2. To apprehend a fleeing felon who is armed and dangerous, or
3. To apprehend a fleeing felon who has just committed a felony resulting in death or great bodily harm.

Several comments might be made in regard to this pronouncement, which obviously is more restrictive regarding use of lethal force than its predecessor which we have outlined earlier. For one thing, it is perhaps important to stress that the Department took special pains to reassure officers that the emergent policy would not endanger their lives unnecessarily or, by implication, in any additional degree than previously. Another matter of note is that the policy came forward during the height of the rioting, although, we have learned, it was on the city manager's desk for a considerable period of time before that awaiting action. It is arguable, whether that dramatic background made it more memorable, and therefore more effective, or whether the policy ought to have been thought through carefully and enunciated in calmer moments, preferably before it bore upon so heightened a situation as

racial rioting and concomitant looting. It is always difficult for law enforcement officers to stand by and watch flagrant law violations, in the form of looting, and to be restricted, either by policy or by the sheer numbers of those they have to cope with, from taking effective countermeasures, measures that might, at least for the moment, abruptly halt the behavior. All told, it seems the better part of wisdom that all departments contemplate the possibilities of rioting and align their deadly force usage policies in terms of such outbreaks or at least so that they have specific segments devoted to desired behavior in the event of looting and rioting.

The 1980 policy statement was followed in Miami by the advice to officers to contact their respective district commanders in the event that any platform in the new policy was not clear to them.

The purpose of the new policy, the inter-office memorandum which set it out declared, was to ensure that deadly force was not used to apprehend fleeing looters or other persons who had committed only crimes against property. In many instances, it was noted, the ranks of such offenders were largely made up of unarmed juveniles, children, and women. "It was felt," the memorandum observed, "that deadly force application under these types of conditions would only inflame the rioters to an even higher escalation of property damage, crimes against persons, and prolong the duration of the riot." This is of course a debatable, though far from unreasonable, position. However, it might have been presumed that the policy would be based upon other than totally expedient reasoning, since such reasoning would provide for officers some better sense of what might be right and what wrong, and which ethical and legal principles ought to underlie their decisions and judgments in cognate kinds of situations.

The same memorandum included some information on the results of the

ongoing (since 1978) research that the Department had mandated concerning the employment of deadly force. It noted that "without question," the national trend among police agencies throughout the United States was toward establishing restraint in the use of firearms," and that such a development was considered by most as an attempt toward building "a more professional and humane police service." There is also an empirical issue: the document notes that many departments had concluded that police shootings of unarmed, crime against property, fleeing felons had produced a "deleterious effect on the life of a community."

The issue here, raised earlier, is a highly complex one, and we might note that it perhaps could better be expressed in legal and/or moral terms rather than in terms of expedient results. It has sometimes been suggested, for example, that two of the most significant massive employments of deadly force--that by troopers in New York to subdue the rioting at Attica and that by National Guardsmen on the campus of Kent State University during the height of what might be called student protests or uprising--both produced extraordinary quieting effects. That is, the surge of prison riots directed toward achieving more concessions for prisoners, particularly by taking civilian hostages and setting forth claims, came to an abrupt end following the Attica assault. The New Mexico riot, the only subsequent prison eruption of note, was largely a sadistic orgy in which the victims were other offenders, and the agenda contained no reform proposals submitted for negotiation. The consequences of Kent State (though assuredly much else contributed to the situation) were seen to be a quieting of student protest. In neither instance are we making the slightest attempt to judge the correctness or decency of the forceful interventions (or to condemn them out of hand either);

what we merely want to point out is that very heavy employment of force can have stunning effectiveness in producing the kinds of consequences that the authorities are seeking. Sometimes, of course, such usage can boomerang. We would only insist that it not be discarded because it is presumed not to be effective, but for more compelling and (perhaps) thoughtful reasons.

The review of the literature on deadly force by the Miami officer assigned this task led to the following paragraph summary and recommendation:

A review of the literature and research material generated in the last decade pertaining to police deadly force usage overwhelmingly support policies associated with restraint. One issue became apparent, however. Many departments went from a liberal deadly force policy permitting deadly force application to any fleeing felon to a much more conservative policy permitting deadly force application only in those circumstances where the life of the officer or a citizen was in immediate danger of death or great bodily harm. This policy did not take into account fleeing felons who were armed and dangerous and posed a threat to the community and/or the officers if their escape was successful, nor did it take into account fleeing felons who committed a particularly heinous crime. The proposed Department Order...provides the necessary balance to both extremes in clear terms.

Thereafter, there is set forth a seven-page, very thoughtful statement recommending in great detail the Department's policy. Because of its sophistication, we include it in full below:

DEADLY FORCE

13.0 POLICY.

The Miami Police Department places a greater value on the preservation of life than on the protection of property. It is in the best interest of the public, the Miami Police Department and the officers of the Miami Police Department that the use of deadly force by the police balance the safety of the community and its police with the constitutional principle of due process.

This policy is based upon legal and moral precepts for police officers to utilize deadly force to protect society and themselves from death or great bodily harm.

It is the policy of the Miami Police Department that officers will use deadly force only as a last resort and when the officer has reasonable belief that deadly force action is required:

- 13.0.1 To prevent death, or great bodily harm to the officer or another person, or
- 13.0.2 To apprehend a fleeing felon who is armed and dangerous, or
- 13.0.3 To apprehend a fleeing felon who has just committed a felony resulting in death or great bodily harm.

13.1

DEFINITIONS.

- 13.1.1 Felon. A suspect who the officer has reasonable grounds to believe has committed or is committing a crime that is punishable under Florida State Law by death or imprisonment in excess of one year in a State penitentiary.
- 13.1.2 Deadly Force. Any force likely to cause death or great bodily harm. The firing of a firearm in the direction of a person is deadly force.
- 13.1.3 Last Resort. All practical means available to the officer to avoid using deadly force have been exhausted. Depending on the situation, these means may include verbal commands (i.e., "STOP POLICE!"), foot pursuit, or using a lesser necessary force, when these means can be accomplished without endangering the officer.
- 13.1.4 Reasonable Belief. A state of mind supported by circumstances strong enough to warrant a cautious and prudent officer to make a similar judgment. The elements of reasonable belief include the officer's own experience and training as well as the facts of the situation known to the officer at the time of the application of deadly force.
- 13.1.5 Great Bodily Harm. Any injury likely to result in death, permanent disability or permanent disfigurement.

13.2

GUIDELINES EXPLANATION.

- 13.2.1 As a last resort to prevent death or great bodily harm to the officer or another person.
 - 13.2.1.1 Officers of the Miami Police Department are not expected to expose their lives or the lives of others to unnecessary or unreasonable risk. When an officer reasonably believes that deadly force is required as a last resort to prevent death or great bodily harm to

himself or another, the officer is justified in using deadly force.

13.2.2 As a last resort to apprehend an armed and dangerous fleeing felon.

- 13.2.2.1 The officer must reasonably believe at the time of the application of deadly force:
1. That a felony has occurred,
 2. That the person the officer is attempting to apprehend is the person who committed the felony, and,
 3. That the person is armed with a deadly weapon and is dangerous.

The nature of the felony crime can provide the officer with grounds for reasonably believing that the suspect is armed and dangerous. A suspect fleeing a property crime, such as a burglary, cannot be reasonably assumed to be armed and dangerous. A suspect fleeing an armed robbery, however, may be reasonably assumed to be armed and dangerous.

13.2.3 As a last resort to apprehend a felon who has just committed a felony resulting in death or great bodily harm.

- 13.2.3.1 The officer must have grounds to reasonably believe that a felony resulting in death or great bodily harm has occurred or is occurring, and that the person the officer is attempting to apprehend is the person who committed the felony.

13.3 MOVING VEHICLES.

- 13.3.1 Firearms will not be discharged from or at a moving vehicle except under the following conditions:
- 13.3.1.1 The occupants of the vehicle are using deadly force by means other than the vehicle itself.
 - 13.3.1.2 As a last resort to prevent death or great bodily harm to the officer or another person.
 - 13.3.1.3 As a last resort to apprehend an armed and dangerous fleeing felon.
 - 13.3.1.4 As a last resort to apprehend a felon who has just committed a felony resulting in death or great bodily harm.

13.3.2 Shooting at or from a moving vehicle is a dangerous and ineffective practice and is generally prohibited. However, there may be unique situations or mitigating circumstances in which an officer may be justified in using firearms. Officers utilizing firearms in these situations will abide by Department Deadly Force Policy, and must be aware of the limitations and consequences of firing weapons in moving vehicle situations.

13.3.3 Shots fired by an officer at a moving vehicle are generally ineffective in stopping the vehicle, and a vehicle, whose driver has been shot, may go out of control and endanger lives. Shots fired by an officer from a moving vehicle generally will have limited accuracy. An officer must take into account these limitations and consequences in addition to following Departmental Deadly Force Policy when deciding to use his/her firearm in moving vehicle situations.

13.4 PROHIBITIONS.

13.4.1 Shots fired intentionally into the air or ground pose a danger to the officer and innocent persons. It is prohibited to fire warning shots under any circumstances.

13.4.2 Deadly force shall not be used against misdemeanants and traffic violators.

13.4.3 It is prohibited to use deadly force to prevent the escape of any fleeing felon when there is substantial risk to the safety of innocent bystanders who would be additionally jeopardized by the officer's actions. Examples include firing from or toward a location in which one's view is obstructed, firing when target identification is uncertain, firing when it is uncertain if the projectiles cause a threat to innocent bystanders, etc.

13.4.4 It is prohibited to use deadly force to prevent the escape of any fleeing felon when the circumstances do not provide a high probability of striking the intended target. Unaccounted for rounds from discharges pose a significant risk to innocent bystanders.

13.5 DRAWING FIREARMS.

The Miami Police Department acknowledges the practical need for officers to unholster or draw their firearms in certain situations requiring caution for the officer's safety (e.g., building searches for burglary suspects, checking suspicious vehicles, etc.). In those situations requiring reasonable caution, in the absence of justification for the use of deadly force, the officer must be cognizant of the risks involved in drawing a firearm. Reasonable care includes but is not limited to keeping the trigger finger placed outside the trigger guard parallel to the cylinder.

13.6 DISCHARGING WEAPONS.

After a weapon is fired by an officer, whether on or off duty, excluding firing practice at an approved range, legal hunting etc., the below procedures shall be followed:

13.6.1 The member firing the weapon shall notify his/her respective supervisor immediately. The supervisor shall insure the immediate notification of his/her respective commanding officer and Internal Security. If the commanding officer is not available, the supervisor shall notify any on-duty commanding officer of the Patrol Section.

13.6.1.1 The scene of any discharge of firearms incident will be maintained until the on-scene investigation has been completed by the Commanding Officer, Internal Security Investigator, and if appropriate, the Homicide Investigator.

13.6.2 Each discharge of firearms shall be personally investigated by an on-duty commanding officer who shall submit a detailed written report (Discharge of Firearm Supplementary Report, R.F. #184) to the member's respective Section Commander through channels. This report shall contain:

1. All pertinent details and facts of the shooting incident.
2. A diagram of the shooting scene.
3. A determination if the discharge of firearm is in compliance with the Florida State Statutes, Departmental Rules and Regulations and Departmental General Orders.

13.6.2.1 The above report will be submitted prior to the end of a member's tour of duty. If it is necessary for a commanding officer to work beyond a tour of duty in order to complete the investigation, appropriate overtime will be authorized by the commander's immediate superior.

13.6.3 A Discharge of Firearms Report shall be prepared by the member firing the weapon and submitted, through channels, to the Section Commander. Only the original of the Use of Force Report (handwritten) is needed.

13.6.4 If a wound is inflicted due to a discharge of a firearm the investigating commanding officer shall insure the notification of Homicide, I.D., Internal Security, the Torts Investigator, and the Staff Duty Officer. (Internal Security shall be notified of all discharge of firearms regardless of injury to persons or property).

- 13.6.4.1 In all cases, the Homicide Investigator will read the Miranda Rights to the officer who discharged his firearm, prior to taking a sworn statement from that officer.
- 13.6.4.2 The on-call Internal Security Investigator may be present while the homicide investigator takes a sworn statement from the officer discharging his firearm.
- 13.6.4.3 If necessary, the on-call Internal Security Investigator may take a separate sworn statement from the officer discharging his firearm.
- 13.6.4.4 In cases where anyone has been injured by gunfire, the homicide investigator shall take the firearm discharged for ballistics tests.
- 13.6.4.5 In cases where no one has been injured by gunfire, the Internal Security investigator may take the firearm discharged for ballistics tests.
- 13.6.5 All reports shall be forwarded, through channels, to the Chief of Police, the Patrol Section Commander shall convene the Discharge of Firearms Advisory Committee.

13.7 DISCHARGE OF FIREARMS ADVISORY COMMITTEE.

- 13.7.1 No later than five (5) working days after the completion of the Supplementary Discharge of Firearms Report, R.F. #184, the Patrol Commander will convene the Discharge of Firearms Advisory Committee.
- 13.7.2 The Committee will be comprised of the following:
 1. The Patrol Section Commander
 2. The Patrol Section Deputy Commander
 3. The Unit Commander of the employee discharging the weapon
 4. A staff member to be designated by the Assistant Chief of Operations Division
- 13.7.3 The Committee's purpose will be the following:
 1. To make a determination if the discharge of firearm is in compliance with the Florida State Statutes, Departmental Rules and Regulations, and Departmental General Orders.
 2. To make a determination if the Departmental Rules and Regulations and Departmental General Orders adequately provided direction given the circumstances of each individual discharge.

3. To make recommendations to the Chief of Police concerning the above items.

13.7.4 The Patrol Major will provide the Chief of Police with a written report of the Committee's findings within 5 days after the Committee was convened.

Office of Professional Compliance. There is a large body of professional as well as partisan literature on the issue of the best manner to monitor police activity. In essence, one side takes the viewpoint that the police are a professional organization and that, like all professionals, they are entitled to discipline being exerted by their members. This model reflects, for instance, the common medical practice of referring disputes within the profession or against members of the profession to a medical body for its decision and action or inaction. The other viewpoint is that the police are public servants and in the final analysis must be responsible to public boards and representatives for their behavior. The usual law enforcement objection to this stand is that outsiders do not adequately comprehend the intricacies of law enforcement work and/or often are not adequately sympathetic to it, in large part because of this absence of understanding.

To a large extent, law enforcement has won the battle for internal policing of its own problems. Perhaps this victory can be attributed to the intensity with which the police hold to their position, itself a reflection probably of the vital importance they believe the matter to involve for their integrity and their job security, and for personal survival.

In Miami, The issue of civilian review had been under study for almost a year when the voting occurred, but because of the rioting and the growing disenchantment and/or political power of minority group constituencies who generally are the most antagonistic to police sovereignty, the City enacted Ordinance 9127, in 1980, which created a new office in the Police Department,

to be known as the "Office of Professional Compliance." The office had been created, the ordinance observes, "to insure citizen participation in and observation of the investigation of Police Department shooting incidents and alleged abuses of citizens by City of Miami police personnel."

Nonetheless, it seems clear that the police department has been far from surrendering total control of its self-monitoring function. The new office is to be located within the office of the Chief of Police. The Director of the Office is to be selected by the Police Chief from among three persons who will be recommended by a five-member committee. That committee will include: (a) two community representatives appointed by the City Manager with the approval of the City Commission; (b) one member of the Fraternal Order of Police; (c) one representative of the Chief of Police; and (d) an Assistant City Manager. The Office of Professional Compliance is to appoint three investigators who are to represent the ethnic makeup of the City of Miami. It will establish outreach centers in six sectors of the city where citizens may file complaints against the city. At the end of any investigation of a complaint, the Office is to send a registered letter to the complainant setting forth its conclusions.

Crime Rates. The relationship between rates of crime and police use of deadly force was traced for San Diego in Table 5, page 38. We observed then that there did not appear to be any distinctive relationship between the rate of crimes of violence and police use of deadly force. This is the same conclusion reached by Milton and her co-authors (1977) on the basis of crime figures for seven cities for the years 1973 and 1974. Their guess is that so many episodes of violence are a consequence of lesser crimes that there will not be any direct relationship among acts which are specifically of a violent nature.

For Miami, the police report that we have available provides the totals for the three crimes that we are interested in for the years 1974 and 1978 only. These figures are presented in Table 10.

[INSERT TABLE 10 ABOUT HERE]

It is obvious that Miami, a city not quite half the size of San Diego, is visited with a considerably higher rate of crimes of violence. In 1978, for instance, there were almost twice as many aggravated assaults in Miami as in San Diego, and about 400 more robberies. Yet the police use of deadly force figures do not establish any similar relationship. Indeed, for the 1976-1979 period, 20 persons were killed by San Diego police officers compared with nine persons by Miami police officers.

TABLE 10

Homicide, Robbery, and Aggravated Assault Offenses
Miami: 1974 and 1978

Year	Homicide	Robbery	Aggravated Assault
1974	91	3,312	2,946
1978	96	2,832	3,137

DENVER

The vital statistics of concern to us regarding Denver can be gleaned from Table 1 which appears on page 20. It will be noted that the city, with a population in 1973 of about half a million persons, ranks 24th in the nation in population (compared to 39th for Miami and ninth for San Diego). For its size, Denver has a relatively large number of officers: one officer for every 372.8 persons in the force's jurisdiction. For San Diego, that figure was one officer per 699.6 persons, for Miami, one for each 482.9 persons. We could hypothesize about the relationship between staff size and number of lethal events in at least one of two ways: either that a large force, by the nature of the numbers alone, is apt to have a high number of lethal events, or that a large force, because its size makes social control a more manageable task, might show a low rate. Obviously, too, size is not an isolated variable. A large force might indicate a degree of crime and social unrest that dictates its magnitude, and this, rather than the force size, might well be the determining variable.

. Code of Ethics. The Denver force promulgates as part of its written materials a Code of Ethics that is much more elaborate (and we might add, without any intent whatsoever of derogation) a bit Boy Scoutish (which may be a good and decent thing or may not). The Code is presented as Illustration 4.

[INSERT ILLUSTRATION 4 HERE]

Use of Deadly Force. The Denver Police Department has adopted in its operating procedures the policy of having the dispatcher notified first in the event of the wounding or killing of another person by a police officer. This provision sees to it that no delay occurs when, as for the departments

Illustration 4

LAW ENFORCEMENT CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve mankind, to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

we have examined earlier, immediate supervisors or other persons who are to be informed cannot readily be located. The Denver provision in regard to shooting by and/or of Police Officers is worth recording in its entirety. It appears as Section 105.03 of the Department's Operations Manual:

(1) Anytime a police officer fires a weapon and wounds or kills another person, or is fired upon and wounded, the dispatcher shall be notified immediately. If the circumstances are such that the officers do not wish to broadcast the information over the air and there is no telephone immediately available, they will request the dispatcher to "switch to two-way communication." The dispatcher will temporarily switch off the three-way communications when they* receive this request and the officer in the field can then communicate in confidence with the dispatcher.

a. The dispatcher will notify:

1. The District Attorney's Office or the Deputy District Attorney on call.
2. The Investigation Division: The detective receiving the call shall immediately notify

*We appreciate that we are being pedantic to note such peripheral matters; on the other hand if, out of a sense of tact, the matter is never mentioned, the error continues unattended. We would point out, therefore, that each of the starred pronouns above represents an instance of incorrect grammar. Interestingly, we find the use of "they" when a singular pronoun is correct to be a common failing these days. We brazenly conjecture that the phenomenon is related to the fear of offending feminists by the use of "his."

members of the Homicide Unit to respond to the scene.

3. Chief of Police
4. Division Chief concerned
5. Staff Inspection Bureau
6. Any other requests or notifications made by the Homicide Unit.

(2) If the officer is hospitalized or injured and incapable of filing a written report, their* superior officer shall be responsible for filing as complete a report as possible.

(3) The senior superior officer at the scene having direct knowledge of the circumstances, shall provide the police dispatcher with all available information.

(4) Whenever an officer is involved in a shooting, their* weapon will be retained by the laboratory for further testing. If necessary, the laboratory will make arrangements to loan the officer another weapon until such time as their* weapon can be returned. No weapon will be released to an officer who has been involved in a shooting without the authorization and verification of the laboratory that all testing has been completed.

The advantage of having the dispatcher notified first, it also might be noted, is that calls to and from this officer or civilian are routinely recorded, thus providing an early documentation of facts in a kind of case

that is particularly likely to involve continuing controversy and, perhaps, the need for later adjudication of conflicting stories.

The section of the operations manual on the Discharge of Firearms (105.04) notes that all shots fired by police personnel shall be reported to an appropriate on-duty supervisor as soon as time and circumstances permit. Accidental discharge of a firearm shall be reported on inter-Departmental correspondence forms. Each report of a weapon discharge is to be investigated and evaluated by a superior officer in terms of its propriety.

The Denver policy on the discharge of firearms is set out in the following terms, which again are noted here because they address thoroughly issues that might be of importance for the consideration of other police departments throughout the nation:

(3) Officers shall not discharge firearms in the performance of their police duties except under the following circumstances and after all other means of apprehension have failed.

- a. To affect the arrest, or to prevent the escape from custody of a person whom they reasonably believe has committed or attempted to commit a felony, is attempting to escape by the use of a deadly weapon, or otherwise indicates, except through a motor vehicle violation, that they* are about to endanger human life or to inflict serious bodily harm to another unless apprehended without delay. CRS 18-1-707.

- b. To defend themselves or a third person from what they reasonably believe to be the use or imminent use of deadly physical force. CRS 18-1-707.
- c. To kill a dangerous animal or one that is so badly injured that humanity requires its elimination from further suffering and any other disposition is impractical.
- d. Authorized firearms training.

(4) Firearms will not be discharged under the following circumstances:

- a. As a warning.
- b. At moving or fleeing vehicles, unless the circumstances come within the provisions of (3) a and b.

Training Materials. The subject of deadly force occupies 6 1/2 hours of the 710 1/2 hours that form the body of training provided for recruits into the Denver Police Department. Obviously, there is no yardstick by which it is possible to measure the "best" time allocation for training on the subject, particularly if the intent is to learn how training might relate to the actual behavior of officers later in their careers. On the other hand, it seems that it might be an excellent research inquiry at least to test in the field different forms of training on the matter of police use of lethal force and to try to comprehend what lessons they truly convey, at least in terms of verbal and written responses by the officers. Again, one of our recommendations would be that cases that have arisen in a particular Department (or, perhaps better, other departments operating under similar rules) might form the basis for discussion of the rules and procedures.

In Denver, there is a video training program on deadly force, which involves in the taped presentation the Chief, the District Attorney, and two of the District Attorney's assistants. The Chief stresses that "police policies are stricter than the law" in regard to the use of deadly force, while the District Attorney's major theme is that "deadly force may be used only to save life." The tape points out some instances in which deadly force is not appropriate under Colorado law, including: (a) offender slugging officer; (b) drug dealer fleeing police; (c) burglar escaping from custody; (d) burglar breaking into building; (e) other officers shooting at a suspect; (f) suspicion that a fleeing person is a murderer. Other themes repeat those we have met during our review of the San Diego and Miami materials. The conclusion of the session is summed up as follows:

A police officer can only shoot if he reasonably believes and in fact believes it is necessary to protect someone's life from immediate danger of death or grave injury, and that a lesser degree of force is inadequate.

Similar to other departments we have reviewed, the Denver force places considerable emphasis on training in methods to handle stress. All recruits attend a course run by two departmental psychologists, with funding from the Law Enforcement Assistance Administration, on methods for handling stress.

Specific Illustrations. Each year, the Denver Annual Report for the Police Department dedicates a page or more to portraits and the details of events that have led an officer to be awarded a Medal of Honor. In 1978, for instance, the Report tells of Officers Timothy W. Leary, Joseph M. Martinelli, and Lex P. Woods, all of whom had been called in to arrest a man who had been

threatening to kill police officers and citizens. The details of the situation unfolded in the following manner:

After clearing out as many people as possible from the block where the man lived, officers made one more attempt to call the man by phone and ask that he stop his harassment. The man answered and began to insult and threaten the calling officer. Officers Leary, Martinelli, and Woods knocked on the man's apartment door and announced that they were the police. The man inside began firing through the door. The officers kicked in the door and began firing back at the man. The apartment was dark and the only thing that could be seen were the flashes from the man's gun as he continued to fire. The officers emptied their service revolvers and reloaded as did the man on the inside. The officers had to stand their ground because two persons who lived across the hall had opened their door when the commotion started and were in the line of fire. Charging into the darkened room with disregard for their own personal safety, while the man was still firing at them, Officers Leary, Martinelli, and Woods mortally wounded the man. Officer Leary was hit twice in the chest. The only thing that saved him was his protective vest.

During the melee Officers Leary, Martinelli, and Woods displayed great courage above and beyond the call of duty and possibly saved two other persons' lives because of their bravery.

For their actions they received the Police Medal of Honor.

There is some difficulty in abstracting from this story of heroic behavior lessons that it might convey in regard to police use of deadly force. It would be stupid and presumptuous for us in any way to try to detract from

the courage and steadfastness of the officers who earned their citations at the risk of their lives. The difficulty, however, is that had they first made sure the terrain was safe--that is, that the neighbors were evacuated from the scene--or had the event not eventuated in a shoot-out but some other form of resolution, much less attention might have been paid to their behavior. In short, medals, which are devoutly to be desired as signs of recognition, are won not by finesse, or tactics that defuse a situation (suppose the phone call had succeeded) but by bravery that runs the risk of death. We know no other way that things might be arranged--bravery under such conditions ought to be saluted--but the situation does convey a particular lesson about weapon use and the consequences when it is done effectively and successfully within the law and department guidelines.

The 1978 report, it might be noted in passing, for the first time, also includes a page of applause for "those citizens of Denver who have, without fear or expectation of reward or other personal gain, assisted the Police Department in fulfilling the Police Mission." These individuals are not named, presumably to prevent any retaliation against them, but the details of the five events are set forth in capsule form, such as: "In a high crime rate area of Northeast Denver, a housewife flagged a district officer. She related to the officer that she had seen two young males break into a house and leave with household effects. She then followed the suspects to another location where they were arrested."

Weapon Discharge Statistics. Unlike the previous two departments we have looked at, in Denver there were no official reporting forms setting out numerical information on the use of weapons. It will be recalled that in San Diego such matters resulted in the issuance on a regular basis of summary statistical reports. In Miami, such material happened to be incorporated in

a report that had been commissioned as part of the movement toward revision of departmental guidelines. In Denver, we came up with the following figures based on a review of the files as an aid to our work.

There have been three fatalities in 1978 and one in 1979. "Hits" were recorded as 11 in 1978, and four in 1979. For firearms discharges, the records showed 17 in 1978, and 16 in 1979. These figures are too skimpy for us to make any attempt to derive general conclusions based upon them, though it is important that they be included with our other tabulations of such events.

Crime Statistics. Though we will not attempt to relate them to the use of deadly force, we can provide statistical information on crime rates for crimes of violence in Denver that can be compared to materials from San Diego and Miami. Table 11, derived from the Department's Annual Reports, offers this material.

[INSERT TABLE 11 HERE]

Table 11
Homicide, Robbery, and Aggravated Assault Offenses
Denver: 1976-1978

Year	Homicide	Robbery	Aggravated Assault
1977	115	2145	1696
1978	95	2596	2115
1979	105	2471	1943

HONOLULU

The distinctive demographic portrait of Honolulu always makes it an intellectually appealing site for social science research. The distance of the city from mainland United States sometimes appears to result in a unique blend of American and alien tradition. Similarly, the very large oriental population of Honolulu adds a dimension not found in American cities. In particular, the Japanese population of Honolulu may well reflect their country of origin in their behavior, which persistently reports a stunningly low rate of crime. Or, on the other hand, the clash of Oriental culture with American customs may introduce a discordance that results in a relatively higher rate of crime than might be expected.

For our purposes, Honolulu contributed some interesting figures on police shooting. These were tabulated for us by Earl Thompson, the Assistant Chief of the Administrative Bureau. They divide in the following manner--see Table 12:

[INSERT TABLE 12 HERE]

The city of Honolulu, with a population of 860,000 persons--as well as a very heavy influx of tourists, much like Miami and San Diego, the first two cities we looked at--shows a total of 11 shooting incidents in the categories compiled for 1979; four in 1978; and six in 1977. The sharp rise may be only a temporary aberration, or it may indicate the arrival of more unsettled times. The nature of the figures, as so often is the case, makes comparison with materials that we have from other cities somewhat uncertain, but it seems apparent that the number of killings by the police--one, zero, one--for the three years under review is strikingly lower than the returns for the other cities that we have examined. San Diego shows 15 killings by police officers

Table 12

Shootings by Police
Honolulu: 1977-1979

Year	Misses	Non- Fatal Hits	Fatalities
1977	3	2	1
1978	3	1	0
1979	7	3	1

in the same period, though it has about 100,000 fewer persons in its population than Honolulu. Miami, with less than half Honolulu's population reports eight deaths for the 1977-1979 period. We had killings statistics for Denver (with a population of more than 300,000 fewer than Honolulu) for only two years--1979 and 1979--but these two, at a total of four, were very much higher than the total for Honolulu. It seems obvious to us that there may be a very great deal that can be learned about the use of deadly force by a detailed examination of events in the Hawaiian capital city.

Training Guidelines. Except for the statistics which were kindly supplied to us after our visit, the only other materials we were able to gather in Honolulu bore upon training and guidelines. The training situation is not unusual. Our calculations of the training schedule for the class that went from February 25 through September 5 of 1980 showed 135 1/2 hours of different kinds of instruction, not counting the 15-minute inspections that generally preceded the inauguration of work each morning. Of these hours, only four, from 0800 to 1150 on August 12, were dedicated to the subject of deadly force. These hours were, however, separated from firearms instruction, and they were located quite late in the training regimen. Whether these practices prove to be more effective in highlighting the material discussed seems worth examination.

Operational Rules. Two major documents have been issued by the Honolulu Police Department in regard to the question of deadly force. Given the Department's unusually low number of fatalities from such force, these materials might be examined rather closely, though we do not want to imply, without further work, whether the low record of fatalities is evidence of "good" or "bad" policing. Obviously, if all suspects are allowed to escape and all confrontations are avoided, there will be a low rate of police shootings; we

need to know in much more detail what procedures permeated departmental work before the bare statistics can be interpreted satisfactorily.

The first bulletin is one issued by the Training Division of the Department on September 15, 1975, and is titled: "Use of Firearms." It begins with a rather lengthy preamble, whose purpose apparently is to soften and justify what will follow:

Every now and then police officers are criticized in the press for firing their sidearms. They are usually charged with poor judgment or with exceeding their authority. At the same time, the chief is often criticized for not having properly trained the officer in the use of firearms.

We frequently see articles charging officers with indiscriminate shooting and describing them as being "trigger happy." Everyone will agree that the decision to shoot someone is the most momentous decision a police officer can make. Once the trigger is pulled, the action is irreversible; the decision, irrevocable.

One of the incontrovertible facts of life is that circumstances and situations change. And, since change is inevitable, policies must be periodically reviewed.

With respect to the policy governing the use of firearms by officers, in these times of civil strife and disorder, social attitudes are constantly and rapidly changing; therefore, it has been necessary to redefine the Department's policy on the use of firearms.

This is an artful bit of writing. How effective it might be in carrying the officers to whom it is directed along with it remains another question. That it needed to be written says as much about the intricacies of dictated

policies on weapons as whatever its content might be. Note too, the rather subtle way in which the suggestion that finally it is the Chief who takes the heat is inserted very early into the preamble. Officers at any administrative level presumably will readily understand that when the pressure falls upon them it may often become necessary that they, with discomfort, impose restrictions on those below them, however unpalatable such action may prove. It is a common enough bureaucratic posture in universities, businesses, and police departments. It is noteworthy that the source of the change is identified as external to the Department: criticisms in the press "every now and then," and articles raising charges that appear "frequently," as well as social forces that are erupting. Change is inevitable, the preamble maintains; you've got to learn to live with it. It is assuredly a cajoling opening, trying to ease the path of what follows.

The policy is set forth in the following terms:

- A police officer is justified in using his firearms only:
- A. If he has reasonable cause to believe that he or someone else is about to sustain serious physical injury or be killed by the person at whom he shoots.
 - B. If he has reasonable cause to believe it is necessary in order to effect an arrest or prevent the escape of a person where the conduct of the person indicates that he presents a serious immediate danger to human life, or that he is likely to inflict serious physical injury, unless apprehended without delay.
 - C. To destroy an animal which he has reasonable cause to believe is so severely injured that there is no probability that its life or usefulness can be saved, or where the officer or another is attacked by a man-endangering animal.

The italics indicated in the foregoing points appear in the original.

The policy proceeds to note that the use of a firearm is not justified (a) to fire a warning shot; and (b) to apprehend a fleeing felon, except as permitted under point (B) above. The document urges that "where it is possible to accomplish the mission through means other than use of the firearm, these means should be employed," and warns that:

One must always exercise precaution concerning bystanders.

Injury to innocent bystanders is not necessarily excused by the fact that the policeman would have been legally justified in shooting to accomplish arrest.

There are further expositions of the points set forth in the preceding paragraphs. For example, in regard to the first point (A), it is noted that an officer must consider "all facts" before determining whether his firearm should be used. As an example:

Whether a raised knife or axe presents a circumstance in which there is an immediate threat to life or limb may depend on the distance from the threatening person, the location, the person's age, strength, etc.

There also are specific illustrations, something that we have not found in the materials examined earlier:

A burglar, surprised by a police officer in a room, shoots at the officer, missing him.

The police officer may shoot back. The burglar is about to use unlawful deadly physical force and it is necessary for the officer to shoot to defend himself.

On the other hand, if the burglar were to throw his gun away after missing the officer, the bulletin notes, would no longer be justified under the self-defense principle in using his gun.

Take another few examples: On a street corner, a man not using deadly force attacks a police officer with his fists. Here, as the reader no doubt immediately knows, the officer is told that he may not shoot the man, since this is not necessary for him to protect himself. Obviously, though not mentioned in the Honolulu materials, such situations can, depending upon the persons involved, become life-threatening, illustrating the constant difficulty of reaching specific conclusions based upon a set of general facts. Another illustration:

A police officer sees one man chasing another on the street with a knife. The victim is getting away.

The officer may not shoot the aggressor. At this point, deadly force is not necessary in order to protect the man who is successfully escaping. The aggressor should be apprehended through other available means.

And still another:

A police officer sees two men fighting with their fists and hears one say: "If you don't stop I will pull my knife and kill you."

The police officer may not shoot unless he has reasonable cause to believe that the threat will be acted upon before he can take other steps to prevent it. The threat of deadly force is not sufficiently immediate.

And, finally, in this category (several other illustrations are offered, and we have abstracted only a few to provide a sense of the materials):

A police officer sees two men attacking each other with knives.

A police officer may not know which person is using unlawful deadly force. In the example given, the officer cannot, without

knowing more facts, reasonably determine which person is the illegal assailant and which person is legally defending himself. Of course, in many situations, the police officer may know or be able to observe additional facts which will enable him to make the determination. Furthermore, after the police officer orders the men to stop fighting, if one man continues to attack while the other puts down his weapon, the police officer would be permitted to shoot the man continuing the attack if he reasonably believes it was necessary to do so to save the other man from death or serious physical injury.

There are six illustrations of point (B) above and four in regard to the proper use of weapons in situations involving animals. In terms of the use of weapons for firing warning shots, the following two pieces of sound advice are proffered:

The weapon should not be relied upon unless its use would be justified. If its use is justified, time would not be taken to fire a warning shot. Verbal warning is sufficient.

And:

A warning shot is a bluff. The police officer should never use his firearm as a bluff. The revolver should be drawn only after the officer has determined that its use is justified. After drawing the weapon, he must be prepared to use it.

Also interesting in the bulletin is the specification of considerations in cases in which the liability of an officer might be in question. The bulletin spells out the following training issues as important in determining liability: (1) What pre-service instruction did an officer receive? (2) What pre-service proficiency was required? (3) What regulations were issued

pertaining to the law of use of force (intentional shooting) and safe handling of the weapon (accidental shooting)? (4) What were the qualifications of the instructors? (5) What records exist documenting training and proficiency? (6) What in-service training has been given? and (7) What in-service proficiency is required?

Finally, these matters set forth in nine clearly and carefully written pages, the bulletin summarizes at some length what has gone before. Again, we repeat the material with some abridgement because first, on its own merits, it demands careful attention and second, given the record in regard to shootings, work on the subject in Honolulu merits close scrutiny:

A police officer is cloaked with an exceptional privilege of using deadly force to repel an attack by one whom the officer is lawfully attempting to arrest even if he could safely avoid his assailant by retreat or flight. The privilege is extended to police officers because the machinery of law enforcement would be unreasonably handicapped if the officer could not stand his ground under such circumstances, and hence he is privileged by law to use whatever force is needed to defend his life without retreat.

...As a practical matter, ...you are not legally justified in shooting to wound unless you would be legally justified in shooting to kill.

The issue is not whether you intend in your own mind to kill or seriously wound someone, but rather whether the force that you use was "readily capable" of inflicting death or serious injury.

Furthermore, the fact that deadly force is permissible in a given situation does not, of course, mean that it must or should be used in that situation. To the contrary, where consistent with

safety and with duty, it is preferable to accomplish the ends of law enforcement without shooting.

There are alternatives to shooting, many of which have been made available by technological advances. The radio, the patrol car, and other methods of rapid communication or movement have added to the flexibility of response that a police officer can command.

In every case where a plainclothes police officer becomes engaged in the use of deadly force against an adversary, it is of paramount importance that the police officer first clearly makes it understood that he is a police officer (whenever circumstances do not prevent him from identifying himself as a police officer).

The matter of identification also applies to uniformed police officers during times of darkness or under other conditions of poor visibility where the identity of the police officer is not readily apparent.

In all cases, in deciding whether and when to fire his gun, the police officer must consider the risk to innocent persons in the area.

In mid-February 1977, the Chief of Police issued a four-page General Order on the use of firearms by police officers which in most respects reiterated the materials that had been published in the training bulletin. The order repeated the Criminal Code sections (703-707) which enunciated state law on the use of force in police work. It added a segment on the display of firearms that had not been touched upon in the earlier document:

To prevent accidental discharge, firearms shall not be unnecessarily displayed, brandished or manipulated by officers whether

within the police building or in public. Loading and unloading is to be accomplished with the utmost regard for the safety of oneself and persons in the immediate area.

The General Order also spelled out the investigative procedure to be followed in the case of deaths or injuries that ensued during the course of police work. This material we will include in its entirety:

A. Relief from Duty

1. Upon ascertaining that death or injury has resulted from the use of firearms in the course of carrying out a police function, the superior officer of the officer who took such action shall, after a conferral with the investigating Criminal Investigation Division Lieutenant, determine whether or not the officer should be relieved of further field duty pending the outcome of the investigation of the matter.
2. Should a relief from duty be deemed necessary, it shall not be construed to be a disciplinary action, but rather an administrative course of action for the purpose of:
 - a. Relieving the officer from further performance of field duties while undergoing the emotional stress of having used deadly force.
 - b. Permitting an objective investigation into the matter under a more restrained atmosphere.
 - c. Restoring the public's confidence in the Police Department.
3. In a case wherein a relief from duty had been imposed, the officer shall be restored to his original assignment as soon as it is determined from the investigation that his action was sustained.

B. Expeditious Investigation

1. Without sacrificing objectivity and completeness, the investigation into any duty connected shooting resulting in death or injury shall be expeditiously conducted by all investigating parties.

2. A Lieutenant of the Criminal Investigation Division shall be directly responsible for the assignment and supervision of investigative personnel, the proper conduct of the investigation and ensure that any unlawful act which may have precipitated the incident be included in the overall investigation.
3. The completed investigative report shall be forwarded forthwith to the Office of the Prosecuting Attorney for their review and determination as to whether or not the matter will be presented to the Grand Jury for further determination of criminal negligence.

ST. LOUIS

As Table 13, which provides a number of statistics about the size and law enforcement profile of North Central American cities of more than a quarter of a million, indicates, St. Louis enjoys the distinction of sorts of being the city with the highest per capita rate of reported violent crime. It can be seen from the table that this city of slightly more than half a million persons is the 20th largest in the country. Its violent crime rate of 1,743 places it at the top of the list of cities in that category.

[INSERT TABLE 13 HERE]

Violent crime and race clearly come together for this grouping of cities. The second highest national rate of violent crime in the country is another north central city, Detroit. Detroit reports, and the table shows, a 45 percent nonwhite population; St. Louis' percentage of nonwhite population is 41 percent. In the western states, as Table 1 shows, Oakland, with a 41 percent nonwhite population, is the only one of the dozen places shown in the table with a percent nonwhite higher than 30 percent. Its violent crime rate is fifth highest in the nation, though the city's population is 20th. The relationship is present, though in not nearly so clearcut a form, in the southern states. Here the national violent crime rates and nonwhite population figures for those with 40 percent or more nonwhite populations are: Baltimore, 47 percent, sixth in the nation; Washington, 72 percent, 12th in the nation; New Orleans, 46 percent, 17th in the nation; Atlanta, 52 percent, third in the nation; and Birmingham, 42 percent, 20th in the nation. The generalization appears to be that the larger the nonwhite population, the higher the likely rate of violent crime in a city, despite its general population, for those cities we have been examining, that is, those with more than a quarter of a million persons.

TABLE 13

Diverse Characteristics of Cities with 250,000 Population or More in 12 North Central States

City	Population (1973 est.)	National Rank	% Non- White	Number of Officers (1977)	% Black	% Spanish	Violent Crime Rate(1977)	Rank
Chicago	3,173,000	2	34%	13,374 ^a	16%	1.4%	910	23
Detroit	1,387,000	5	45	5,703	31	0.3	1,735	2
Indianapolis	728,000	12	18	1,069	NA	NA	520	45
Milwaukee	691,000	13	16	2,083	2.3	0.3	367	52
Cleveland	679,000	15	39	2,095	10	NA	1,387	10
St. Louis	558,000	20	41	2,091	13	NA	1,743	1
Columbus	541,000	21	19	1,087	5	1	599	42
Kansas City	488,000	26	23	1,226	12	NA	1,138	14
Cincinnati	426,000	30	28	977	13	NA	817	27
Minneapolis	382,000	32	6	795	1	0.1	819	26
Omaha	377,000	33	11	534	5	1	509	48
Toledo	377,000	34	14	733	8	2	774	31
St. Paul	287,000	48	5	557	3	1	660	39

a = For 1976

The ratio of officers per capita in St. Louis is one for each 266.9 persons, a much higher manpower concentration than for any of the other cities that we have examined. The difficulty, however, with interpreting these figures is that only the closest scrutiny and the most delicate comparative work will tell you the true meaning of the overall figures. Some departments use civilians-for jobs that others employ sworn personnel to carry out, they have the same manpower but they count it differently in the different places. Some jurisdictions have officers working in the jails; others may use county jails or may have different personnel, tabulated differently, handling that or other assignments. The percentage of officers assigned to traffic will also affect the way the personnel bear upon crime considerations. These and numerous other matters have to be considered when interpreting the official figures on the size of a department. We have been conveying such information only because it is conveniently gathered, and because it might lend itself, once put together, to some sort of interpretive analysis.

Use of Deadly Force. As in Honolulu, we had to rely upon the police department to put together for us some tabulations of the amount of weapon usage that could be retrieved from the files. Table 14 summarizes the material with which we were supplied, with the original categories retained.

[INSERT TABLE 14 HERE]

The table clearly indicates a rise in the number of "incidents," a category we presume to mean 'weapon discharge events. There also is a sharp rise comparing the first year with the next two in the number of individuals killed, though not in those wounded, a rather anomalous consequence.

It ought to be apparent by now that departments tabulate weapons discharges in highly variant ways, and that it is not possible in any systematic fashion to try to relate the general category to other conditions within the

Table 14
Killing and Wounding Episodes in St. Louis: 1977-1979

Year	Incidents	Persons Killed	Persons Wounded
1977	99	7	18
1978	123	14	19
1979	131	10	17

department. Nonetheless, as we noted in regard to homicide, it is also true that killings by police seem very likely both to be recorded and to be recorded with some accuracy. This makes it possible for us to construct, on the basis of information that we have now derived from the first five cities we have surveyed, a chart that perhaps can both prove instructive and guide our later examination of materials. Table 15 converts the number of killings for the particular years that we have information available--if they are within the 1976-1979 boundaries--into a ratio in terms of a department's number of officers, number of homicides, violent crime rate, and general population.

[INSERT TABLE 15 HERE]

This table is not notably informative, largely because the denominator used to calculate the rates--that is, the number of police shoots--is so low that relatively slight rises or falls in the number between cities can have profound effects, such as if there are two shootings in one city and three in the other each year over the time span being examined. The information may be presented in more readable form, as it is in Table 16, by ranking each of the cities on a number of factors. Absent better information from Honolulu, we have omitted it from the Table.

[INSERT TABLE 16 HERE]

Obviously, the categories are interrelated: a high violent crime rate will in many instances lead to a higher number of officers in a jurisdiction, and the rate may be a function of the nonwhite percentage in the population. St. Louis shows a conspicuous level of violence and reactions to it in the forms of shootings and number of officers.

The St. Louis materials with which we were supplied contained one particularly unusual item, a breakdown of the situations that have been found

Table 15

Killings by Police Related to other Aspects of
Law Enforcement in Five Jurisdictions

% Non-Whites	City	Killings Per Year	Officer Per Killing	Homicides/Killing	Population Per Killing in 1,000s	Violent Crime/Killing
11	San Diego	5.0	216.4	13.4	151.4	116.6
23	Miami	2.3	318.7	32.1	153.9	656.5
11	Denver	2.0	697.0	50.0	258.0	489.5
--	Honolulu	.7	NI	NI	1228.6	NI
46	St. Louis	10.3	203.0		54.2	169.2

Table 16

Rank of Four Cities in Regard to Police Killings, Percent
Non-White Population, Violent Crime Rate, and Most Officers/ Population

City	Shootings (Most to Least)	% Non- White	Violent Crime Rate	Most Officers/ Population
St. Louis	1	1	1	1
San Diego	2	3.5	4	4
Miami	3	2	2	3
Denver	4	3.5	3	2

likely to lead to the killings of law enforcement officers. These are put into the following categories: (1) Attempting arrests for crimes other than robbery or burglary, 21 percent; (2) Disturbance calls, 19 percent; (3) Robbery calls, 18 percent; (4) Traffic pursuits and stops, 13 percent; (5) Investigating suspicious persons or circumstances, eight percent; (6) Burglary calls, seven percent; (7) Ambush--premeditated and/or provoked, seven percent; (8) Handling prisoners, four percent; (9) Dealing with mentally deranged, two percent; and (10) Civil disorders, one percent. It seems obvious that a very large variety of police situations have within them a potentiality for danger and death for an officer, a matter that has to be taken into account in considerations of the use of deadly force by officers.

Citizen Complaints. St. Louis sets forth in full detail the inventory of citizen complaints during the year and the disposition of such complaints. The Police Manual for the city requires that the Bureau of Inspections submit a report annually on this matter, and that the report be published. It seems to us a good procedure, particularly if departments could develop some standardized method for carrying out such work so that a continuing and comparative sense of citizen dissatisfaction could be discerned. Obviously, factors bearing upon complaints need not have a direct relationship to police performance; complaints do not routinely follow untoward police conduct, nor by no means do all complaints truly reflect such conduct. But they do tell us what citizens feel aggrieved about, and how much action to the point of complaint they are willing to take to secure redress of their grievances.

For St. Louis, for the year of 1978, more than one-third (119 out of 316) of the complaints concerned alleged instances of physical abuse of citizens by law enforcement officers. The complaints were at year's end categorized into six outcome classifications: Exonerated, four; Unfounded,

13; Not Sustained, 80; Sustained, four; Withdrawn, 15; and Pending, three. The next highest cause of complaint, with 51 instances, was "improper attitude/manner." The citizen complaints had resulted in one resignation under investigation. Non-citizen complaints (presumably from within the Department) had led to 23 resignations under investigation. The complainants were identified by race, and overwhelmingly were blacks: 196 of the total of 303 so categorized by race. Indeed, there were almost as many black females (53) as white males (75) who complained of police conduct.

Firearms Policy. The St. Louis Police Department promulgated as part of its training materials a 26-page document on Firearms, which includes a good deal of material that is not traditionally found in the information put into writing by law enforcement units. The preamble is, it will be seen, by now familiar in tone and content:

When a police officer is sworn in, he assumes many responsibilities. One of them is the carrying and possible use of a firearm. Whenever a police officer has to resort to the use of deadly force, it is probably the hardest and most important decision he will have to make. The officer's primary function is the protection of life and property. Therefore, the police use of a firearm is governed not only by law, but by our responsibility to protect the people we serve.

An officer must be able to handle his weapons safely and effectively. He must also have confidence in his ability to protect himself or others, if the need arises. This confidence is gained only through training in the basic fundamentals of marksmanship and then practice to retain the skills gained.

The manual sets forth the conditions under which firearms should and should not be used, and also advances a policy statement on the kind of revolvers that may be carried:

Each armed member of the Department, when on or off duty, while in the state of Missouri, shall carry a revolver as authorized by the Board and other weapons as the Board may, by order, prescribe. The carrying of automatic pistols is prohibited; only department issued or personally owned revolvers which have been inspected and approved of by the Department Armorer may be carried while off duty. All other weapons carried by armed members of the Department must be issued by the Department; the carrying of personally owned shotguns, rifles, and similar weapons is prohibited. Only Department approved ammunition may be used in weapons carried by armed members of the Department.

There are lengthy expositions on the type of weapons--Smith and Wesson and Colt makes--that are authorized for use, both in terms of departmental issue and personal purchase. And, finally, the document ends with a set of safety rules:

1. Never point a weapon at anyone or anything that you don't fully intend to shoot.
2. Never hand a person a loaded revolver. Always unload it and then leave the cylinder open.
3. Never assume or take anyone's word that a weapon is unloaded. Check for yourself.
4. The revolver should be unloaded before inspecting, cleaning, etc.

5. Keep the finger out of the trigger guard until you are going to fire the weapon.
6. A revolver is not a toy or plaything, so don't treat it as such.
7. Do not allow yourself to lose your respect for the possible danger of a weapon. Always handle the weapon safely.
8. Do not get involved in any type of horseplay or showing off with the weapon.
9. When handling a weapon pay attention to what you are doing.
10. When you are involved in a situation that requires that you draw the revolver, use the double action grip. If you decide to use single action firing, cock the hammer only when you are ready to fire.

Perhaps the most notable aspect of the foregoing rules is the fact that some of them need to be enunciated at all: formal rules often tell a great deal about kinds of conduct that do in fact occur and that are regarded as necessary to forestall. If something were extremely unlikely to happen, there would not be much mileage in bothering to warn against it. It seems likely that experience had shown the officers who put the rules together that they involved matters apt to be violated.

Stress Training. Similar to its sister cities that we have looked at, St. Louis goes in heavily for stress training for its officers. Developed by a Ph.D. psychologist, the stress segment of the police academy curriculum defines the phenomenon as "a perception of threat or expectation of future discomfort that arouses, alerts, or otherwise activates the system." Just as for the guidelines for safety, the roster of things that might induce stress in a police officer tells more than it might desire to about the sorts of

things that could come to fill an officer's life. These are said to be stressful matters potentially: administration, second job, inactivity, shift work, inadequate resources, territoriality, work overload, responsibility for people, promotional procedures, role ambiguity, job complexity, inequities in pay and status. For policemen specifically, the stressors are enumerated as: courts, negative public image, racial situations, line of duty/crisis situations. Stress, it is noted, can sometimes result in "violent acts" and a "need to destroy 'evil.'"

It is further observed that post-traumatic reactions can ensue, and most often will if an officer is involved in a lethal episode or himself is shot in the line of duty. The materials note that reactions include things such as muscular tension, irritability, impaired concentration and memory, repetitive nightmares, sexual inhibition, social withdrawal, and fear of reprisal. There also is, the material notes, an "extreme fear that the 'assholes' of the world are going to get 'even.'"

Lethal Use of Force. The training regimen, includes a segment on survival techniques, which notes that "survival is predicated on sound tactics, planning, and practice before confronting an armed suspect." There is a suggestion that "variable" challenges be used "to distract, to buy time, and prevent a shooting encounter." But most of the 13 points are clearly aimed to encourage successful use of deadly force, rather than to prewarn about its employment in unwarranted or unnecessary conditions. We would not prejudge such material; nor would it be fair to maintain that the high rate of police killings in St. Louis is by any means tied to this emphasis: indeed, the effect may be the reverse; the danger of policing in the city may induce the standards. Or, of course, there may be no relationship between such printed material and what goes on in the field.

The rules for use of firearms are set forth in the materials relating to Criminal Investigations and some are included as well in the statement of Pursuit Policy, where it is indicated that firearms may not be used "for the sole pupose of disabling a vehicle."

Crime Rates. The crime rates for St. Louis are set out in Table 17 on the following -page, confined to the same three offenses that we have tabulated in the other cities.

[INSERT TABLE 17 HERE]

Audit Report. The 1977/79 Annual Report of the St. Louis Metropolitan Police Department contains at least one unusual item, an extremely detailed account of fund expenditures, with an auditing imprimatur from Peat, Marwick, and Mitchell. It is not a common item in police reports, and, if more generally included, might well allow some interesting investigations to be made in regard to cost-benefit analyses.

Causes of Crime. Most law enforcement units present the numerical summaries of their activities and those within their jurisdictions over which they have cognizance and let the matter rest there. In St. Louis' 1978/79 report there stands a most unusual entry of almost a page length which tries to put the crime problem, and the figures generated and reported in regard to it, into a better perspective. The unique contribution merits quotation. It is found under the heading: "What are the Causes of Crime?"

A police department is often questioned about the causes of crime. It should be clearly understood that a police department responds to the event--the crime--after it has occurred and hopes by its response to set the criminal justice system in motion. It hopes its existence and preventive action will reduce crime but has no way of measuring this.

Table 17

Homicide, Robbery, and Aggravated Assault Offenses
St. Louis: 1978

Offense	Number
Homicide	211
Robbery	3,725
Aggravated Assault	4,365

Fortunately a police department can act without waiting for information on the causes of crime. Information that, if possessed, would not change its task.

The reader is asked to examine the following comment on Crime Factors:

- Crime is a social problem and the concern of the entire community. The law enforcement effort is limited to factors within its control.

Historically, the causes and origins of crime have been the subjects of investigation by many disciplines. However, no definitive conclusions have yet been reached. Instead, a number of factors affecting the volume and type of crime that occur from place to place have been delineated. Some of these are as follows:

1. Density and size of the community population and the metropolitan area of which it is a part.
2. Composition of the population with reference particularly to age, sex, and race.
3. Economic conditions, including job availability.
4. Economic status and mores of the population.
5. Stability of the population, including commuters, seasonal, and other transient types.
6. Cultural conditions, such as educational, recreational, and religious characteristics.
7. Climate, including seasonal weather conditions.
8. Effective strength of law enforcement agencies.
9. Standards of appointments to the local police force.
10. Policies of the prosecuting officials.

11. Attitudes and policies of the courts and corrections and probation.
12. Relationships and attitudes of law enforcement and the community.
13. Attitudes of citizenry toward crime.
14. Administrative and investigative efficiency of law enforcement, including degree of adherence to crime reporting standards.
15. Crime reporting practices of citizenry.
16. Organization and cooperation of adjoining and overlapping police jurisdictions.

The Uniform Crime Reports give a nationwide view of crime based on police statistics contributed by state and local law enforcement agencies. Population size is the only correlate utilized in this publication. While other factors listed here are of equal concern, no attempt is made to relate them to data presented. The reader is, therefore, cautioned against comparing statistical data of individual communities solely on the basis of their population size.

We have reproduced this material in its entirety because not only does it make good sense, but it also applies very directly to the work we are undertaking, and the effort at times that we make to find different kinds of relationships between police matters and deadly force considerations. The St. Louis report sets out exceedingly well the difficulty of such tactics and substantively notes some of the very important considerations that must be appreciated as strong influences on the numbers that show up in official tabulations.

SAN JOSE

San Jose is a city in northern California, with a population of about half a million, and a ratio of one law enforcement officer for every 664.5 persons within the policing jurisdiction (see Table 1). The city has a relatively low violent crime rate, and its demographic structure is perhaps most noted, in the context of items that we have been scrutinizing, in regard to the relatively low percentage of nonwhite persons in the city.

Training Materials. There is a six-hour block of time set aside in the training regimen for instruction on Moral/Legal Aspects of Force, constituting slightly more than one percent of the total of 544 hours of training instruction required of department recruits. But, as the instructional supervisor pointed out in a letter to one of the field team subsequent to our visit to the city, the subject of deadly force also is raised in training contexts other than that specifically dedicated to the matter:

Instruction relative to the use of force cannot be provided in only a six hour block. Proper use of all aspects of force requires a positive attitude and belief that must permeate an officer's training throughout an Academy. Therefore, our firearms course, Arrest/Control Class and Decision Making block cannot be separated from any discussion or instruction on the use of force. While proper technique is the major concern, students receive a constant reinforcement on the proper and appropriate use of force throughout these courses.

The outline for the segment of the training on Force and Firearms: Moral and Legal Aspects, Criminal and Civil Liability starts with a segment on stress, discussing matters such as prejudice, anger, nervousness, and fear

as well as the "tough cop image." These characteristics combined with force are said to equal "trouble." There is thereafter a discussion of some moral issues involved in the use of force and then a thorough review of the statement of the law on the use of deadly force. Again, as in other departments, there is some attempt to try to reduce the complexity of the decision to shoot--most frequently a split-second decision--down to some of the ingredients that must feed into it. In San Jose, these are set out as: (1) the type of crime and suspect; (2) the threat to the lives of innocent persons; (3) the environment; (4) the law and your own department's regulations; (5) the officer's capabilities; (6) the suspect's capabilities; and (7) the immediacy of the threat. The training is designed to have the student satisfactorily meet the performance objectives established by the State's Commission on Peace Officers Standards and Training (POST). These include, as 7.3.5:

Given various word pictures or audio-visual presentations depicting situations where deadly force may be necessary, the student will state whether to shoot or not to shoot.

For some quixotic reason, the training materials also include a bit of pop sociology, so that we have a handout that alleges to identify "some tentative characteristics of police marriages." It addresses two sets of major questions: First, "if you could live your life over, would you: (a) marry again?; (b) marry the same woman?; (c) delay getting married?; and (d) delay having children?" Then the handout asks: "Is Your Sex Life with Your Wife Satisfactory?" And the subinquiries are these: "(a) How often do you make love with your wife?; one time per week average; two times per week average; (b) Does your wife believe that you make love too infrequently?; (c) Have you had an affair in the last six months?; (d) Do you believe your mate

would like to have an affair?"

We have neither the interest nor the competence to presume to second-guess definitively such materials, but want to comment upon them only as they effect our superordinate topic. It has only recently begun to be recognized in a significant way that there exists a very important relationship between the manner in which an officer does his job, and particularly his remaining with the force, and the attitudes and behavior of his wife or girl friend(s). So we would not in any way derogate the importance of the subject. But we would mildly suggest that we find this particular handout and the issues it addresses a bit more prurient than productive. Perhaps the most general comment that might be made in this context is that for all departments it may well be an excellent idea to review the training materials to make certain that satisfactory time and attention is being distributed among the topics addressed in terms of their importance to the policing function.

There also is, in the training materials, a clear statement that is worth noting on Professional Demeanor as an attribute that may contribute to the avoidance of the use of force:

An officer's demeanor should not be unnecessarily threatening nor militaristic. His demeanor should be adjusted to the situation. He should pay attention to where he places his hands, how he gestures, how he stands, what his clothes look like, what expression is on his face and in his voice, and how he walks. Ideally, an officer's every movement should reinforce his purpose: to control conflict, not to escalate conflict.

Operating Procedures. The San Jose Police Department has a thorough statement in its manual on the topics of the use of force, chemical agents, batons, canines, deadly force and its reporting. The inclusion of these

diverse matters within the same bulletin may be a fine approach, since there is some highlighting of the fact, by inference, that canines may be employed in some situations in which deadly force otherwise might eventuate. Again, we find the strong and common stress on not firing at moving vehicles, with such shooting denoted as "one of the most uncertain and hazardous shooting conditions in police work, particularly when the officer is in a moving vehicle."

The department also has detailed procedures that are to be invoked in the wake of a fatal shooting by an officer. The authorities to be notified are specified. There also is a provision, one that we have seen used by most departments, for placing the officer or officers directly involved in the shooting on administrative leave after the completion of their reports. Such leave in San Jose is for an undetermined period of time and is to be authorized by the Chief. The officer on such leave has to keep the department notified of his whereabouts. This provision differs from that in a number of other departments where the officer who has been involved in a death is temporarily transferred to a different assignment, generally involving jail or desk work, until the investigation of the event is completed.

The San Jose department also sets out specific rules on how information on the shooting is to be conveyed to the media:

When notified, the Department member assigned as the Press Relations Officer is responsible for gathering information pertaining to the incident and will prepare a written press release detailing the circumstances. The press release will then be submitted to the Chief of Police (Assistant Chief of Police when Chief unavailable) for approval and distribution to the news media.

The entire subject of media coverage of the use of lethal force by the

police and against the police is one that merits careful review. The subject always is a "hot" one and how it is handled may well determine at times whether subsequent violence erupts or how else the matter proceeds toward fair and proper resolution.

The Administrative Leave approach to shootings is in accord with the recommendations of the Department psychologist, who prepared the materials on "The Post-Killing Traumatic Incident Reaction in Law Enforcement Officers" that we include as Illustration 5 on the following pages.

[INSERT ILLUSTRATION 5 HERE]

Ad Hoc Report on Police Procedures. San Jose offers an opportunity to review some external examinations of police policies and procedures. In mid-May of 1972, an ad hoc committee submitted a report on its appraisal of police work in the city as set forth in the department's guidelines. The study, as is so often the case, was precipitated by "community tension," but, despite this pressure, the committee members wanted it known that they had worked with "tireless dedication, objectivity, and open-mindedness." Among the "highest priority recommendations" of the Committee were the call for a viable approach to settling citizen complaints fairly, based on the use of an ombudsman, citizen participants, and the police through a formal administrative hearing procedure. There also was a call for "a strongly implemented policy specifically limiting the conditions under which deadly force may be used" and for "steps to standardize weaponry and to end the policy of requiring officers to purchase their own weapons."

The nine-page report of the Subcommittee on Weapons Policy was said to have "resulted from a careful analysis of the policies and practices of police departments of neighboring cities having problems similar to San Jose" and to "reflect the fears and demands expressed repeatedly by citizens at community

Illustration 5

THE POST-KILLING TRAUMATIC INCIDENT REACTION
IN LAW ENFORCEMENT OFFICERS

AN EXAMPLE OF A TRANSIENT SITUATIONAL DISORDER: EASY TO ALLEVIATE IF DEALT WITH CORRECTLY.

FOR MANY NEW, AND SOME EXPERIENCED OFFICERS, THE CONFRONTATION BETWEEN THE OFFICER AND AN ARMED FELON THAT RESULTS IN THE DEATH OF THE FELON IS THE ULTIMATE SEDUCTION OF POLICE WORK. (HERO STATUS)

THE HERO MYTH RESULTS FROM MOVIES, T.V., OUR CULTURAL HERITAGE (COWBOY), AND MOST IMPORTANTLY THE IMPLICIT VALUES DERIVED FROM WAR STORIES TOLD IN THE LOCKER ROOM AND IN POLICE BARS.

GENESIS OF THE POST-KILLING REACTION IS THE EMOTIONALLY PERCEIVED DISCONTINUITY BETWEEN THE OFFICER'S EXPECTATIONS ABOUT THE SHOOTING, AND THE REALITY:

- 1) EXPECTATIONS: HERO MYTH, MAN-TO-MAN CONFRONTATION
- 2) REALITY: (CASE STUDIES) NOT USUALLY A "HEROIC" SITUATION, IN FACT IT'S OFTEN A LOSIDED CONTEST

* IF AN OFFICER OR CITIZEN IS INJURED THERE IS LESS PROBABILITY OF THESE REACTIONS.

Illustration 5 (continued)

FREQUENT REACTIONS

- 1) SENSORY DISTORTION (E.G., TIME SLOWS DOWN)
- 2) FLASHBACKS
- 3) FEAR OF INSANITY (BECAUSE OF 1 AND 2)
- 4) SORROW OVER DEPRIVING PERSON OF LIFE
- 5) CRYING (USUALLY OUTSIDE POLICE ENVIRONMENT)
- 6) "GRASPING FOR LIFE"
- 7) PARANOID ABOUT ASSHOLES "EVENING THE SCORE"

SUGGESTED CHANGES IN TRAINING/DEPARTMENT POLICY

- 1) SHORT TERM (SEVERAL DAYS MINIMUM) MANDATORY, PAID, ADMINISTRATIVE LEAVE
- 2) SUPERVISORY AND/OR PEER COUNSELING WITH OFFICER
- 3) VOLUNTARY, CONFIDENTIAL, FREE, COUNSELING WITH PSYCHOTHERAPIST (SHORT TERM)
- 4) RECRUIT AND SUPERVISORY TRAINING (INOCULATION) (YOUNGER OFFICER) TEMPTATION TO COOPERATE WITH HIS NEW "JACKET"

meetings held by the Committee."

The Committee specifically objected to the presence in the San Jose Police Department of the authorized right to use a weapon for purposes of warning a suspect. The Committee enunciated the general position that "it should be made clear by means of policy statements and training that the use of deadly force is justifiable only as a means of preserving life."

The report also noted that a POST inquiry had ascertained that approximately ten different kinds of guns were currently in use by officers in the San Jose Department. Service revolvers, off-duty revolvers, and other weapons had not been standardized by departmental rules (note, in this connection, the very detailed itemization of authorized weapons in the operating procedures of the Denver department to which we have referred earlier). It should be noted here that one of the concerns of many contemporary police officials is that some officers carry two weapons, one standard issue, the other their own. How often, if ever, the second weapon is "planted" on a suspect following a fatal shooting is not likely to be known ever, but the presence of such a second weapon makes such a situation possible. We were told, for instance, of the practice of one officer in one eastern state of carrying a visible but empty revolver of his own, and virtually taunting a suspect under his control into seizing it, in order to justify retaliatory force with use of a concealed service revolver. Such stories, apocryphal or not, jeopardize public confidence in police performance.

The report concluded with a tabular comparison of regulations regarding ammunition, the shooting of fleeing felons, shooting at moving vehicles, types of service revolvers, and prohibited equipment in San Jose, Berkeley, Oakland, and San Francisco, as well as the Committee recommendations on these matters. Perhaps most notable were the striking variations among the departments,

even though many of the items flowed quite directly from state statutes.

Many of the recommendations of the ad hoc committee found their way over the next years into the operating policy of the San Jose Department. As far as we know, the stricture on the firing of warning shots did not, however, gain acceptance.

Shooting Incidents. We were able to obtain from the officials in San Jose a detailed breakdown of officer-involved shootings for the period from 1976 to 1979. These we have arranged in tabular form in Table 18.

[INSERT TABLE 18 HERE]

Again it can be noted that the number of killings is relatively small, so that the increase from one death in 1976 and 1977, and no such fatalities in 1978, to three in 1979 represents a very large percentage increase on the basis of less than a handful of events. The five killings in the four-year period is the lowest of all cities that we have examined so far, with the exception of Honolulu.

Also noteworthy is the fact that over these years there are reports of a total of seven warning shots fired.

It is interesting that in San Jose there are almost three times as many woundings as fatalities. In San Diego (Table 3, p. 43) there were only a few more woundings over the years than there had been killings. How such figures might be interpreted would, of course, depend upon much more detailed examination of their diverse ingredients. It certainly seems that one hypothesis that might be advanced--though again it could be far-fetched--is that the use of warning shots may in some way be related to the quite low number of fatalities in San Jose. It is an intriguing hypothesis that we would by no means wish to push too far. Its implicit reasoning might be that a warning shot breaks up the potentially deadly confrontation. But much more evidence would be necessary to support a conclusion that varies so dramatically from

TABLE 18

Officer-Involved Shooting in San Jose: 1976-1979

Year	Fatalities	Woundings	Warnings	Other Shots	Total
1976	1	3	2	4	10
1977	1	5	0	3	9
1978	0	2	3	3	8
1979	3	3	2	5	13
Totals	5	13	7	15	40

general police wisdom.

KANSAS CITY

Kansas City, Missouri, is, like St. Louis, a midwestern metropolitan city. It has a population of approximately half a million persons, and about one police officer for each 400 persons within the jurisdiction. The violent crime rate is relatively high--14th in the nation. The city itself is the 26th largest in the United States. A sheet showing the distribution of officers by race and sex indicates that blacks occupy some relatively high offices in the department, despite their underrepresentation in the department in general (that is, in terms of the number of persons of the racial group in the community). Kansas City has one black lieutenant colonel on the force, who is in charge of the technical support bureau, two black majors, one of whom commands the central patrol division, and five black captains.

Firearms Policy. Current firearms policy for the Kansas City Police Department is contained in General Orders 76-44 and 76-44A which were issued in July of 1978. The aim of the General Orders was to provide a single source of reference for all department members as to the authorization, discharge and carrying of firearms. The orders also include a modification statement in regard to the Firearms Review Panel.

The Policy statement is worth noting in full because, while it contains much repetition of material that is now familiar to readers of this report, some of the wording and emphases are distinctive, and the encapsulation of the situation is interesting:

An officer is issued a firearm to defend himself or others against deadly force, or the threat of imminent deadly force. However, when a firearm is used by an officer, it must be with the

realization that the death of some person may occur. Justification for the use of an officer's firearm is limited to facts known to the officer or perceived by an officer at the time he decides to shoot. Facts unknown to the officer cannot be considered in later determining justification of the shooting.

An officer may use deadly force when it appears necessary to protect himself or others from what reasonably appears as an immediate threat of great bodily harm or imminent peril of death.

The Firearms Review Panel will review situations when a firearm has been discharged by an officer, whether intentionally or accidentally. The panel will also review cases where an officer has been fired upon as well as compile statistics on incidents when firearms have been discharged. This is to aid the department in the continuing evaluation of policy, procedure, and training.

It is recognized that the events surrounding a shooting can cause a large amount of psychological stress. To help alleviate this stress, a psychologist will be available to any department member who has been involved in a shooting incident.

The Orders proceed to set down an array of policies that are similar to those found in one or several of the departments whose guidelines we have reviewed so far. Among the variant items is 1(c) which specifies that officers who are assigned to any department element or special assignment where their official duties may require that they carry a firearm other than one of those authorized by the department must receive prior written approval from their bureau or division commanders to carry such a firearm.

Carrying weapons off-duty is "encouraged" for Kansas City officers but is

"at the option of the officer." Any officer who elects not to carry a firearm while off-duty shall not be subjected to disciplinary action if an occasion should arise in which he could have taken action but did not do so because he was unarmed. On the other hand, off-duty officers must carry approved firearms, even if off-duty, if they are operating department vehicles. If a firearm is carried while off-duty, it must be a department-approved revolver.

The value of the Kansas City rule, the first of its kind we have so far encountered in this review, might well be worth scrutiny. How many officers do and how many do not carry weapons off-duty, and under what conditions do some of them sometimes carry guns and other times not when they are off-duty? And, of course, we would want to know what discernible consequences for various aspects of law enforcement, including use of deadly force, the policy might have. It is noteworthy that the Kansas City order specifically recommends that officers not carry weapons if they anticipate that they will be consuming alcoholic beverages.

Under the heading of conditions where an officer is prohibited from discharging a firearm, the Kansas City department leads off with a provision that is either not found or not stressed in the other units we have looked at. The first condition is: "When it appears likely that an innocent person will be hit." Kansas City prohibits warning shots, and explicitly forbids firing at a suspect (or suspects) who are holding hostages. The guidelines, in addition, emphasize that "an officer should resolve any doubt in his mind against the use of a firearm prior to the shooting." The last paragraph of the rules for firearm use notes:

In summary, every possible consideration should be taken prior to the use of a firearm, and if an officer believes that under existing conditions he should not use a firearm to apprehend a felon, he

will not be criticized or disciplined for this decision and his decision to employ every other means to effect an arrest.

Kansas City also has the officer notify the dispatcher in the event of the discharge of a firearm. The dispatcher is obligated to notify at once the Internal Affairs Division of the department in addition to other units.

Finally, the 13-page document containing the Orders, after setting forth in considerable detail the composition and assignment of the Firearms Review Panel, includes a note that the document is to be posted on all bulletin boards for one week. In addition, all personnel are obligated to sign and date the following statement at the end: "I have read the above order and understand it."

Citizen Complaints. Kansas City's police department has a considerable amount of material relating to citizen complaints that likely reflects some careful attention to this particular issue. There is, for instance, a pocket-sized brochure that is very well printed and sets forward in simple language some reasons for citizen complaints and how to go about filing such complaints. It is noted on one page, for instance:

Responsible, concerned citizens may file complaints at the Office of Citizen Complaints in the Argyle Building during business hours. Citizens may also make complaints at their nearest police station. Station personnel are available to help you file your complaint. The completed form, of which you receive a carbon copy, is forwarded to the Internal Affairs Division for a complete and thorough investigation. A letter stating the final disposition will be sent to you.

The Office of Citizen Complaints is authorized to take complaints in the following categories:

- (1) Unnecessary or Excessive Use of Force
- (2) Abuse of Authority
- (3) Discourtesy
- (4) Ethnic Slurs
- (5) Missing Property
- (6) Harassment
- (7) Improper Operational Procedures
- (8) Improper Conduct
- (9) Inadequate Police Service
- (10) Civil Rights Violations

The back page of the pamphlet provides addresses and telephone numbers for the different police divisions and for the Office of Citizen Complaints.

The Kansas City Police Department itself issued a general order in 1980 to "instruct department members in their responsibility to encourage citizens to bring forward legitimate complaints" and to "outline the member's responsibility to cooperate with processing and investigating activities." It is noted that the recommendations of the Director of the Office of Citizen Complaints is advisory only and that the Chief has the final say on the action to be taken in regard to complaints.

The 1978 report of the Office noted that there were 442 complaints during the year. The largest number in any single category fell into the section labeled "unnecessary or excessive use of force," which had 127 complaints. About nine percent of the complaints were "substantiated" in the eyes of the Office. The complaints resulted in no terminations of officers, but did include three suspensions of six days apiece, 16 instances of letters of reprimand, and 11 instances of verbal counseling. There was one resignation in the face of a charge of misconduct.

The thoroughness of the procedures and the detail provided in the reports makes the Office of Citizen Complaints in Kansas City an interesting arrangement in terms of its possible influence on police, particularly in regard to matters of deadly force usage.

Internal Affairs Division. The 54-page Duty Manual of the Kansas City Police Department Internal Affairs Division, dated November, 1978--bearing a triangular logo in the middle with the letters IAD and their written-out version on each side of the triangle: Integrity, Allegiance, Dedication--contains a comprehensive section on the investigations of shootings. This portion of the document might well be of use for other police departments around the nation, and we have included it in its entirety as Illustration 6. The material also includes a statement on investigations for the Discharge of Firearms.

[INSERT ILLUSTRATION 6 HERE]

Liability. The Department also has an extremely comprehensive document on liability and the law enforcement officer, which forms part of a course of instruction. The aim of the materials is said to be to familiarize officers of law enforcement agencies with the impact of liability upon the performance of their duties. Three pages are devoted to issues bearing on the use of deadly force. They set forth half a dozen instances of high liability awards throughout the country in order to raise the awareness of the officers about some of the risks they might run. Thus:

A New York City probationary patrolman had completed five lessons of a 16-lesson course on the care and handling of firearms. While at home, off-duty, the trainee was attempting to clean his weapon. It discharged and injured his wife who sued the city for money damages. The court held that cleaning and handling the gun

Illustration 6

SHOOTING INVESTIGATIONS

I. Introduction

- A. The Internal Affairs Division will investigate all shootings in which an officer has shot someone, or in which an officer has been shot and has discharged his firearm.
 - 1. The Crimes Against Persons Unit is responsible for the criminal investigation in these incidents.
 - a. The Internal Affairs Division will be responsible for obtaining information which the Crimes Against Persons Unit criminal investigation might not reflect. (Outlined below)
 - b. The Internal Affairs Division's investigation will not interfere with the Crimes Against Persons Unit's investigation.
 - 2. The Internal Affairs Division is responsible for informing the Chief of Police or his designee as to what occurred as soon as possible.
 - a. A memorandum containing a brief outline and informative resume of the chain of events will be forwarded to the Chief of Police or his designee as soon as possible.

II. Assignment of Investigation

- A. If the shooting occurs during normal duty hours, an investigative supervisor will assign the investigation to an investigator.

Illustration 6 (continued)

- B. If the shooting occurs after normal duty hours, the investigative supervisor designated as the Internal Affairs Duty Officer will be responsible for assigning an investigator to conduct the investigation. (See Duty Officer responsibilities.)
- C. The police dispatcher is responsible for notifying the Internal Affairs Division or the Internal Affairs Division Duty Officer of all shooting incidents involving officers.

III. Method of Investigation

A Shooting scene investigation.

- 1. The Investigator will, when possible, respond to the shooting scene and interview the officer/s involved.
 - a. If officer/s involved have left the scene, they will be contacted as soon as possible.
- 2. The following will be determined by interview of the officer/s, witness officer/s, or other witnesses at the scene:
 - a. The events which resulted in the shooting.
 - b. The position from which the officer was firing.
 - (1) Standing, kneeling, prone, etc.
 - (2) One-handed, two-handed, etc.
 - (3) Running, walking, stationary, etc.
 - (4) Direction of fire.
 - (5) How many shots fired.
- 3. Determine if anything struck, other than persons.

Illustration 6 (continued)

- B. Examination of Firearm
 - 1. A firearm which has been discharged by an officer will be examined for:
 - a. The condition of the weapon.
 - b. Make, model, caliber and serial number.
 - c. Determine if police department firearm or personal firearm.
 - d. Type of ammunition used.
 - e. Number of shots fired from firearm.
- C. Examination of the injured person or officer
 - 1. Determine extent of injury.
 - 2. Describe the injury.
 - 3. If bullet did not exit body, make arrangements with surgeon or coroner for safeguarding for evidence.
(If not accomplished by Crimes Against Persons Unit)
- D. Obtain Evidence
 - 1. Take possession of all evidence.
 - a. Real evidence.
 - b. Take photographs.
(If not accomplished by Crimes Against Persons Unit)
- E. Interview of Subject Officer and Witnesses
 - 1. Take supplemental statements from officer/s involved and witnesses if pertinent information was omitted from the statement taken by the Crimes Against Persons Unit.
 - a. By dictation to typist.
 - b. By handwriting the statement.

Illustration 6 (continued)

c. By tape recorder.

(Only with permission of supervisor if witness is civilian and only when witness appears to be reliable and will be available to sign the statement after it has been transcribed.)

F. A detailed diagram of the scene reflecting the direction of fire and other pertinent information will be made.

G. Additional investigation

1. Edit the recording tapes, when applicable, at the Communications Unit, and exhibit excerpts from the tapes in form of a memorandum.

IV. Composition of the Investigation

- A. All information regarding the investigation will be documented and typed in duplicate.
 1. Statement.
 2. Memorandum.
 3. Supportive documents, police reports, etc.
- B. All documents prepared by the Internal Affairs Division will be placed in an investigative file in logical sequence.
- C. All documents prepared by the Internal Affairs Division will be reflected in a "Table of Contents," which will preface the investigative file and serve as an Index.
- D. Supportive documents will be listed in the table of contents and will be attached to the investigative file.
- E. All documents in the file will have the Control Number placed in the upper right-hand corner.

Illustration 6 (continued)

V. Submitting the Investigation

- A. A file containing the original copy of each document will be submitted to the investigative supervisor for review.
 - 1. The investigative supervisor will submit the file to the Commanding Officer for final review.
 - 2. The Commanding Officer will submit the file to the Chief of Police or his designee.
 - a. An endorsement page will accompany the file.
 - b. The file will be submitted as soon as practicable.
- B. A file containing the carbon copies of each document will be submitted to the clerical assistant.
 - 1. This file will not leave the office of the Internal Affairs Division.
 - 2. It will contain a copy of each document in the original file.

DISCHARGE OF FIREARM INVESTIGATIONS

I. Introduction

- A. The Internal Affairs Division will investigate Discharge of Firearms by officers, including off-duty and accidental situations, excluding firearms training or competition. Incidents involving neutralizing dangerous or wounded animals will be investigated at the discretion of the Internal Affairs Division Commander.
- B. The dispatcher will notify the Internal Affairs Division of all Discharge of Firearms by officers.

Illustration 6 (continued)

II. Assignment of the Investigation

- A. If the Discharge of Firearm occurs during normal duty hours, an investigative supervisor will assign the investigation to an investigator.
- B. If the Discharge of Firearms occurs at an hour other than normal duty hours, the investigative supervisor designated as the Duty Officer will be responsible for assigning an investigator to conduct the investigation. (See Duty Officer instructions.)

III. Method of Investigation

- A. Investigation at the scene
 - 1. The Internal Affairs investigator will respond to the scene of the Discharge of Firearm.
 - 2. The officer involved will be interviewed to determine the following:
 - a. The events which resulted in the Discharge of Firearm.
 - b. The direction in which the officer discharged the firearm.
 - (1) Were there persons in the line of fire.
 - (2) What physical barriers were in the line of fire.
 - (3) The number of shots fired.
 - (4) The position the officer used, kneeling, standing, prone, etc.
 - (a) Also, if walking, running or stationary at the time of the discharge.

Illustration 6 (continued)

B. Examination of firearm

1. A firearm which has been discharged by an officer will be examined for:
 - a. The condition of the weapon.
 - b. Make, model, caliber and serial number.
 - c. Determine if the weapon is a police department firearm or personal firearm.
 - d. Type of ammunition used.
 - e. Number of shots fired from firearm.

C. Interview of subject officer and witnesses

(at discretion of the investigator)

1. Take thorough objective statement.
 - a. By dictation to typist.
 - b. By handwriting the statement.
 - c. By tape recorder
(only with permission of supervisor if witness is civilian and only when witness appears to be reliable and will be available to sign the statement after it has been transcribed.)

D. Obtain evidence

1. Take possession of all evidence
 - a. Real evidence (excluding empty shell casings and evidence obtained by investigative personnel).
 - b. Take photographs

Illustration 6 (continued)

- E. A detailed diagram of the scene reflecting the direction of fire and other pertinent information will be made.
- F. Additional investigation
 - 1. Edit the recording tapes, when applicable, at the Communications Unit, and exhibit excerpts from the tapes in form of a memorandum.

IV. Composition of the Investigation

- A. All information regarding the investigation will be documented and typed in duplicate.
 - 1. Statement
 - 2. Memorandum
 - 3. Supportive documents, police reports, etc.
- B. All documents prepared by the Internal Affairs Division will be placed in an investigative file in logical sequence.
- C. All documents prepared by the Internal Affairs Division will be reflected in a "Table of Contents," which will preface the investigative file and serve as an index.
- D. Supportive documents will be listed in the table of contents and will be attached to the investigative file.
- E. All documents in the file will have the Control Number placed in the upper right-hand corner.

V. Submitting the Investigation

- A. A file containing the original copy of each document will be submitted to the investigative supervisor for review.

Illustration 6 (continued)

1. The investigative supervisor will submit the file to the Commanding Officer for final review.
 2. The Commanding Officer will submit the file to the Chief of Police or his designee.
 - a. An endorsement page will accompany the file.
- B. A file containing the carbon copies of each document will be submitted to the clerical assistant.
1. This file will not leave the office of the Internal Affairs Division.
 2. It will contain a copy of each document in the original file.

before completing the basic firearms course constituted negligence on the part of the officer (and therefore his employer). In this case, the act of cleaning the gun was held to be within the scope of the officer's duties and the doctrine of respondent superior was applicable to impute liability to the city. The court said that an employer who requires an employee to perform acts with a dangerous instrumentality has the duty to ascertain the employee's qualifications before entrusting him with the instrumentality. *Hacker v. City of New York*, 46 Misc. 2d 1003, 261 N.Y.S. 2d 751 (1965), reversed on other grounds, 275 N.Y.S. 2d 146.

The materials include some catch phrases that it is hoped will be impressed upon the officers. For example: "Once fired, no power can bring a bullet back...only the shooter can determine its mission," and "only he can control its direction." It is further noted that "there is a psychological feeling on the part of the officer anytime he becomes involved in a chase, either on foot or in a vehicle." This feeling is said to be such that, if it appears that the suspect is about to get away, it becomes "very tempting to use the revolver to halt flight." Under such circumstances, the officer may well forget the reason he is chasing the suspect, and "become highly emotional and involved." Then there is the advice: "If you do discharge your weapon, hit what you aim at." And finally: "When in doubt, don't shoot."

Training Materials. The training regimen on the use of lethal force is part of the firearms segment for the recruits to the Kansas City Police Department. The training curriculum takes up to 640 hours. The firearms segment occupies 90 of these hours, but the sub-category of "when not to shoot" has but two hours, compared, for instance, to 12 hours of training on the use of shotguns, and some 25 hours of instruction in the use of the

breathalyzer. It seems to us that the importance of deadly force may be underemphasized given the amount of attention devoted to the subject, but we more than appreciate the enormous competing demands on training time. We would very tentatively render the judgment that one of the reasons that deadly force consistently receives what might well be regarded as a very small amount of time is that there has not yet been developed adequate instructional resources and techniques by means of which the subject can be handled more extensively and intensively without repetition, in a manner that keeps the trainees' interest and at the same time instructs them in a useful manner. The need for a very sophisticated repertoire of training materials on deadly force, it appears to us, might well become a high priority of national police groups.

In Kansas City, officers are given a 27-page document titled "When Not to Shoot" during the training period. It begins with a recital of the increase in the number of civil suits filed against police officers and the increase in judgments rendered against them. It is noted (but crossed out in our copy of the document) that with the "probable loss of sovereign immunity this year, this number will probably increase." Presumably sovereign immunity survived for at least another year, but the point is well made for other jurisdictions and probably sooner or later for Kansas City as well, as courts increasingly declare that the barriers to civil suits against governmental entities have been too restrictive. The document points out that a lost civil suit could mean: (1) financial ruin; (2) loss of employment; (3) imprisonment; and (4) personal embarrassment. This blatant appeal to personal and financial self-interest to restrain unwarranted use of deadly force is unique among the documents we have surveyed so far. It would be interesting to try to determine its particular effectiveness as compared to more authoritarian or more moral approaches to the same goal.

The documents also include a number of clippings reporting on court rulings about civil cases, as well as a piece from the Kansas City Times relating that, according to a federal Justice Department announcement, a suburban St. Louis police sergeant had been indicted (in November 1972) by a federal grand jury on a charge of shooting a black youth in the leg.

The document also features a full page on the issue of "Morality." It is worth detailing in full:

Every instance where the law or police regulations outline the circumstances under which an officer may use a firearm, in none is it said the officer must use the firearm. It is always may use firearms.

We have been talking at considerable length about the legality of the use of firearms by an officer. I think we should discuss, at least briefly, the moral issues involved.

Earlier we said that if you have any doubt, don't shoot. You must be able to justify to yourself the taking of a human life. This is an act you will have to live with the rest of your life. You should realize that it is an act that affects not only your life, but many other persons. It could affect your family. By this, I mean there is the possibility that if you cannot justify the act to yourself, it could affect your family. (Irritability--illegal consequences would affect family.)

Of course, the victim of your act may have a family--wife, children, mother, father--who will also be affected.

I mentioned that no officer will be criticized by his department or his superiors if, in good faith, he does not use his firearm to prevent the escape of a suspect who is fleeing from him. There is not proof of manhood in taking a human life.

We have seen a growing trend for some time against the death penalty, which has finally resulted in a Supreme Court decision declaring it unconstitutional. This trend has been reflected in many court decisions. Police officers are not public executioners and it is felt by many that they have no right to take a life, except to defend themselves or another. Even prior to the recent court decision, the death penalty was not attached to burglary, larceny, auto theft, etc.

Further materials on the use of deadly force include a two-page training bulletin from the Regional Center for Criminal Justice, Regional Training Academy, on the subject of When Not to Shoot. It is noted that "in the use of firearms, police officers assume the role of the judge, jury, and executioner." It also is observed that "the use of deadly force for police officers may act as a catalyst in producing riots, disturbances, and extreme community tension. Thus, the community itself mandates the utmost caution in the use of firearms for police officers." Finally, the bulletin offers a case for discussion. It appears under the title: "What Would You Do?"

At 1330 hours you receive a call on a hold-up in progress at 1725 Troost. Upon your arrival to the location, you observe a man running from the store with a weapon trained on another individual. The man with the weapon quickly identifies himself to you as the store owner and informs you that the man running down the street and party he is holding have just held him up. You warn the individual fleeing to halt, but he continues to run. Would you shoot? If so, have you considered?

- a. That it might not have been a robbery but rather a shoplifting or larceny-theft from building. Many times victims of crimes are not aware of proper crime classifications.

- b. One party is in custody. It is possible that information can be gained from the party in custody as to the identity of his accomplice. This could allow apprehension of the other party at a later time.

Revolvers and Eyes and Off-Duty Employment. There are two items that the Kansas City Police Department possesses that seem worth a moment's attention. The first is a printed 33-page document on Revolver Retention. It is prepared by the Regional Training Academy of the Regional Center for Criminal Justice and copyrighted by the Kansas City Department. With great sophistication it sets forth techniques by which officers can keep their weapons secure. The reason for such training is set forth in the introduction:

Incidents of police officers being shot with their own service revolvers have increased tremendously in the last few years in the United States. Recent F.B.I. figures indicate that in 1975, one hundred twenty-eight (128) law enforcement officers were slain in the United States. Twenty-six, or 20.3 percent of these officers, were killed with their own handguns.

The Department also has two forms for eye testing that appear to us to be very thorough, and it may be that they can in some ways relate to visual acuity that in turn could relate to deadly force usage. We include these forms as Illustrations 7 and 8 on the following pages. Finally, the Department has a rather thorough form which an officer is expected to file detailing any employment during off-duty periods. Among other questions, it asks whether the employment will involve wearing a police uniform, how many hours will be worked, a brief description of duties, and rate of pay. The officer is required to file another form if any of the relevant information changes, and, under any conditions, a new application for outside work

approval must be submitted each January 15. This procedure would appear to allow the department some control over permitting officers off-duty to be engaged in situations in which deadly force events might, in terms of statistical likelihood, be more likely to occur than the Department is willing to allow. The form is included as Illustration 9.

[INSERT ILLUSTRATIONS 7,8,9 HERE]

Firearms Discharges. For Kansas City, we did not obtain statistical data on the consequences of lethal force, though we did get a tabulation of firearm discharge figures for the period of January 1 through December 31, 1979. Of 18 discharges of firearms for the year, six occurred between 0800 and 1600, four from 1600 to 2400, and eight from 2400 to 0800. In essence, then, as might be expected, it is during the dark hours from midnight to early morning that most shootings take place.

By monthly categories, the numbers break down this way: January through March, four discharges; April through June, seven discharges; July through September, one discharge; and October through December, five discharges. As in San Diego (Table 4, p. 45), the heaviest activity by far is during the initial six months of the year. Finally, in Kansas City, 67 percent of the discharges resulted in no injury; 11 percent (two discharges) in death; 17 percent (three discharges) in an injury; and 5.5 percent (or one discharge) in the injury of a bystander. The two deaths for the single year place Kansas City about even with Miami, and in the lower tier of cities for such events. But we have only 1979 for this calculation, which makes it a very uncertain basis for generalization.

The Kansas City annual report, like that for Miami, includes a roster of officers killed in the line of duty during the history of the department. For Miami there had been 24 officers killed in the period between 1915 and

Re: _____

Date: _____

VISION REFERRAL SHEET

TO: Dr. Rolfe Becker, M.D., Police Ophthalmologist
6724 Troost, Kansas City, Missouri
Suite 804
Phone: 363-3363

FROM: Kansas City, Missouri Police Department

APPOINTMENT: Time: _____

Date: _____

Dear Sir:

This is to advise that the above subject has shown a visual deficiency on the pre-employment visual acuity screening test.

The above subject is referred to you because the deficiencies listed below were indicated on our screening test.

Far Point Vision: Right Eye _____ Left Eye _____
Corrected: Right Eye _____ Left Eye _____
Near Point Vision: Both Eyes _____
Corrected: Both Eyes _____
Depth Perception: _____
Color Discrimination: _____
Other Deficiencies: _____

Commanding, Personnel Division

FROM: Dr. Rolfe Becker

Date: _____

Examination results of the above named applicant are as follows:

Far Point Vision: Right Eye _____ Left Eye _____
Corrected: Right Eye _____ Left Eye _____
Near Point Vision: Both Eyes _____
Corrected: Both Eyes _____
Depth Perception: _____
Other Deficiencies: _____

Recommendation: Qualified _____ Not Qualified _____

Examined by: _____

Police Ophthalmologist

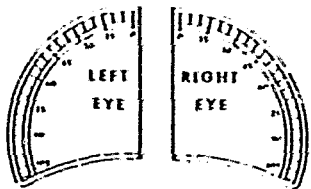
KEYSTON

Occupational Visual Service

NAME _____

DEPT. _____

COMETER
LATERAL BALANCE READING



RAPID SCREENING TESTS

FAR POINT TESTS

OVS Rapid Screening Test Card

ACUITY

Upper Block Size	Lower Block Size
Col 1 R R P C P D E D F C Z P	
Col 2 L P F D P K C F C Z P D	
Col 3 Both D C F E P Z P R D F C	
Right Eye 20/	Left Eye 20/
Pass _____	Recheck _____

BINOCLULAR COORDINATION - Depth Perception

Block 4 Symbol Close

Top Line _____ Pass _____

Middle Line _____

Bottom Line _____ Recheck _____

All three symbols should be correctly located. If not, check on Standard OVS Test No. 5

COLOR PERCEPTION

Correct Response

Block 5 - 1

Block 6 - 2 Pass _____

Block 7 - 4

Block 8 - 8 Recheck _____

Blocks 5 and 6 check Red/Green. Blocks 7 and 8 check hues of Red and Green. Consider Colorblind only if Blocks 5 and 6 or others of them is missed. Check on Standard OVS Cards if any block cannot be identified

NEAR POINT TESTS

Keystone Near Point Snellen Acuity Test Card

Paragraph Heading - Both Eyes

Top Line 20/10 - Good vision is important to

Middle Line 20/30 - general health as well as

Bottom Line 20/70 - safety and job performance

Snellen Acuity Test, Near Point

	Left Eye A	Right Eye B	Both Eyes C
1 - 20/10	L P K	K D L	P K D
2 - 20/20	C P D P K	F D P K C	P C P D
3 - 20/30	L O P Z D	K L O Z H	F K L O P
4 - 20/40	P X E O L	K P L Z O	L P P O
5 - 20/50	F D P C Z	Z D P F C	D P C Z F
6 - 20/70	D P C Z F	F D P F C	F D P C Z

Right Eye 20/

Left Eye 20/

Both 20/

Pass _____

Recheck _____

Failure on any portion of these tests, should be rechecked on the Standard OVS Tests

PASSED
RAPID SCREENING TESTS

MALE FEMALE	AGE	SOCIAL SECURITY NO.	WEARS GLASSES ?	AT ALL TIMES	FAR VISION (Driving)	HEAR VISION (Reading)	NEVER	
JOB ASSIGNMENT			VISION REQUIREMENTS	NEAR POINT ONLY	FAR POINT ONLY	BOTH FAR and HEAR	DEPTH PERCEPTION	COLOR PERCEPTION
GLASSES WORN DURING TEST		NONE	SINGLE VISION ONLY	BIFOCALS	TRIFOCALS	CONTACT LENS	READING GLASSES (Near Point Only)	

STANDARD OVS FAR POINT TESTS RAISE LENSES FOR FAR POINT TESTING

OVS 9-1	VERTICAL BALANCE	[Patterned blocks]									
OVS 9-2	LATERAL BALANCE	[Patterned blocks]									
OVS 9-3	FUSION	[Patterned blocks]									
OVS 9-4	USABLE VISION BOTH EYES	[Patterned blocks]									
OVS 9-5	USABLE VISION RIGHT EYE	[Patterned blocks]									
OVS 9-6	USABLE VISION LEFT EYE	[Patterned blocks]									
OVS 9-7	DEPTH PERCEPTION	[Patterned blocks]									
OVS 9-8	COLOR VISION - SEVERE DEFECT	TOP 32	LEFT 79	RIGHT 23	OVS 9-9	COLOR VISION - MILD DEFECT	TOP 63	LEFT 92	RIGHT 56		

STANDARD OVS NEAR POINT TESTS LOWER LENSES FOR NEAR POINT TESTING

OVS 9-10	VERTICAL BALANCE	[Patterned blocks]									
OVS 9-11	LATERAL BALANCE	[Patterned blocks]									
OVS 9-12	FUSION	[Patterned blocks]									
OVS 9-13	VISION BOTH EYES	[Patterned blocks]									
OVS 9-14	VISION RIGHT EYE	[Patterned blocks]									
OVS 9-15	VISION LEFT EYE	[Patterned blocks]									

PASSED _____ REFERRED FOR ATTENTION _____

TESTS ADMINISTERED BY _____ DATE: MO. _____ DAY _____ YEAR _____

Illustration 8

143

EMPLOYEE REQUEST TO ENGAGE IN
EMPLOYMENT DURING OFF-DUTY PERIODS

name _____ Assignment _____
Last First Initial

Rank: _____ Is this an original application? _____
Is this a renewal application? _____

The following information regarding your prospective employment must be filled in completely.

Employing Firm: _____ Telephone No. _____

Address: _____ Type of Business: _____

Name of Prospective Superior: _____

Position Applied For: _____

Brief Description of Duties: _____

Does this position require you to be in uniform or civilian clothing? _____

No. of Hours to be Worked Each Day: _____ No. of Days per Week: _____

Employment will extend from: _____ to: _____
Date Date

Approximate hourly rate of pay to be received? _____

Remarks: _____

I certify that the foregoing answers are true and correct, and that in the event of any change in employment plans I will promptly notify my commanding officer of my employment status by submitting the required information to him on this form. It is further understood that I will not accept employment with any firm other than the aforementioned prior to filing a request for off-duty employment with my commanding officer. I acknowledge my responsibility not to accept off-duty employment until such time as I have received proper approval. I authorize my commanding officer or other official Department representative to contact my off-duty employer at any time to check my off-duty work record.

Officers who are engaged in regular off-duty employment must submit a new application each year by January 15.

Signature _____ Date _____

Commanding Officer _____ Approved _____ Disapproved _____

Division Commander _____ Date _____

1971, or about 1.5 officer killings per year. In Kansas City, the 108 slain officers for a 107-year period comes to almost exactly one officer killed each year.

Crime Statistics. The yearly crime statistics report by the Department allows the summary that appears in Table 19, which we shall make use of in the concluding segment of this report.

[INSERT TABLE 19 HERE]

TABLE 19

Homicide, Robbery, and Aggravated Assault Offenses
Kansas City: 1977-1979

Year	Homicide	Robbery	Aggravated Assault
1977	201	2,340	4,461
1978	158	2,267	4,301
1979	202	1,886	4,310

BIRMINGHAM

Birmingham is the smallest city to be included within our 14-city sample of law enforcement agencies throughout the United States. With a population just slightly under 300,000 persons in 1973, it ranks as the 46th largest city in the nation. Like most southern cities, Birmingham has a high percentage of nonwhite population (42 percent). With one officer for each 435.9 persons it has a moderately high police-citizen ratio. Its violent crime rate can be regarded as rather high--20th in the country--but not strikingly so.

Rules and Regulations. The manual of rules and regulations for the Birmingham Police Department differs in notable ways from those we have examined heretofore, possibly reflecting the relatively smaller size of the city and its southern location. Each officer is to have the manual ready for inspection on demand by his commanding officer or other competent authority "at any time." He or she is obligated to have a signature and serial number on the manual as well.

The Introduction to the police rules and regulations conveys a more forceful tone than that we have encountered elsewhere. It notes, for instance, under the signature of the Acting Chief of Police:

Maintain your self-respect and gain the respect of others by presenting a neat and clean physical appearance, and by observing the basic rules of military conduct at all times.

Get your mental attitude right. Nothing counts but good police work. Guard the reputation of your Department by doing your job well, and don't countenance misbehavior on the part of your associates. Keep sober, study, work hard, take pride in your profession and become a good policeman.

On the following page, the Department's Code of Ethics stresses that an officer "will keep [his] private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others." The Ethics Code concludes:

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held as long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession....LAW ENFORCEMENT!

The segment on deadly force in the rules and regulations appears under the heading of Firearms and Weapons. It is noted, among other conditions we have encountered with the departments we have discussed, that in Birmingham an officer may discharge his firearm "to give an alarm or to call for assistance for an important purpose when no other means can be used." The final seven words are printed in bold type. Following the prohibition of using shots to effect the arrest or stop the flight of a misdemeanor is this note:

If the misdemeanor becomes a dangerous assailant, or if an attempt is made to rescue by violence any prisoner, even though charged with only a misdemeanor the situation changes instantly. The officer must meet force with force, and to use his revolver only as a last means of protecting himself or his prisoner from death or serious injury is acting within the law.

Policy Guidelines. The rules and regulations are supplemented by a booklet titled The Use of Deadly Force, dated September 1979. The booklet goes into very elaborate detail about departmental policy on the discharge of firearms. Its preamble merits reproduction:

An officer is equipped with a firearm to defend himself or others against deadly force, the threat of imminent use of deadly physical force or to prevent serious physical injury. However, when a firearm is used by an officer, it must be with the realization that the death of another human being may occur. Such use of firearms must be strictly guided by adherence to a clear and known policy. This policy is not intended to create doubt in the mind of an officer at a moment when action is critical and there is little time for meditation or to prohibit an officer from using deadly force to protect himself or a third party from death or serious bodily injury. It provides basic guidelines governing the use of firearms so that officers can be confident in exercising judgment as to the use of deadly force.

It is noted that each officer is responsible for and will be held accountable for knowledge of the contents of the policy statement, and that an alleged ignorance of the policy will not be a defense against departmental disciplinary action brought against an officer for a violation of the policy.

The segment setting out the conditions for legal use of deadly force begins with the parenthetical clause that the conditions are considered to be in effect only "after all reasonable alternatives of apprehension have been exhausted." The policy booklet also discusses the Firearms Review Committee, which is to be composed of one captain, one lieutenant, two sergeants, and three officers. The Committee is to review firearms discharge cases after the Internal Affairs unit has completed its investigation. The captain will vote only in the event of a tie. The Committee is to have in attendance the following consultants, none of whom may vote: (1) Lieutenant, Internal Affairs; (2) Lieutenant, Police Academy; (3) Representative from the City

Attorney's Office; (4) Precinct or Division Commander of officer involved; (5) any consultant sent by the Chief of Police; and (6) the officer involved (optional) and his attorney (optional). If the officer and/or his attorney attends the hearing, each of them is obligated to absent himself from the hearing site before the balloting.

It might be added that we found the booklet to be extraordinarily thorough and sophisticated both in contents and presentation. Departments looking for guidelines or seeking to revise their own would be well advised to examine the material put together by the Birmingham Police Department.

The Department also has available a form detailing the Procedure for Investigating Shooting Incidents by Internal Affairs, which we include as Illustration 10.

[INSERT ILLUSTRATION 10 HERE]

Citizen Complaints. The department keeps an excellent compilation of the nature and disposition of citizen complaints. We have examined this issue in regard to our review of procedures in Kansas City. It is impossible to relate the number and kinds of complaints to issues of deadly force, largely because the categories, understandably, vary so distinctively from department to department. We shall not detail the Birmingham materials, except to note their availability, and to suggest again that the regularization of such matters would represent a very considerable advancement in police procedures that would permit important policy conclusions to be reached on the basis of satisfactory data.

Training Materials. The 33rd session of the Basic Law Enforcement Course for the Birmingham Police Academy, for which we have an outline of the curriculum, does not include any specific section denoted as covering police use of deadly force. Presumably the subject is touched upon during the

Illustration 10

PROCEDURE FOR INVESTIGATING SHOOTING INCIDENTS
BY INTERNAL AFFAIRS

1. Go to the scene. Note time of notification and time of arrival on the scene.
2. Determine what Superior Officers, Officers, Evidence Technician and witnesses are on the scene.
3. Try to determine who was shot, the condition of the victim and a brief explanation as to what occurred.
4. Make sure the crime scene is protected and that an Evidence Technician is on the scene or on the way to the scene.
5. Before leaving the scene, make arrangements for all witnesses and Police Officers to make taped statements.
6. Call Chief Bill R. Myers and furnish information concerning the incident. Call the Public Information Officer and furnish information for news release.
7. Tape statements from the Police Officers, witnesses and any other interested parties.
8. Go to the hospital and determine the actual condition of the victim. Get a statement from the victim if possible, and get the attending physician's name. Also get the time of the victim's arrival and the means of transportation.
9. Be sure all proper reports are made.
10. Make a summary of the incident, which will be approved by the Internal Affairs Commanding Officer and then be forwarded to the Chief of Police.
11. A file will be made containing all statements, photographs, and the summary. Any other information pertaining to the incident should be added as soon as possible. The file will be maintained in locked cabinets.
12. Fill out Police Shooting form.
13. Make a copy of the tape in Communications.
14. Notify the Captain in the Chief's office when shooting incident is ready for Police Shooting Committee review.
15. Investigator is not to release any information to the news media.

Firearms training, which occupies the entire 13th week. We did find one particularly interesting segment of the program that we have not seen elsewhere. During the seventh week, there is a four-hour session titled "Deaf Awareness." We take it that this instructional period is devoted to acquainting officers with issues concerning deaf persons, a matter that could be of great importance in deadly force situations, where the officer may fire when a suspect blatantly ignores his commands, and when the officer is unaware that the suspect's behavior is a consequence of deafness.

Crime statistics. The crime statistics for the city are presented in Table 20.

[INSERT TABLE 20 HERE]

TABLE 20
Homicide, Robbery, and Aggravated Assault
Birmingham: 1977-1979

Year	Homicide	Robbery	Aggravated Assault
1977	87	989	1,622
1978	78	966	1,738
1979	93	1,474	1,476
Total	258	3,429	4,336

DALLAS

Dallas is one of the larger cities included within our survey. With a 1973 population of 875,000, it was then the 8th largest city in the United States. Add to this the more than a third of a million persons in adjacent Fort Worth, and you have a megalopolis of considerable size. Dallas has a medium-average amount of police protection in terms of the manpower of its force: one officer for every 402.2 citizens. Its violent crime rate places it 15th highest in the nation.

General Orders on Deadly Force. The Dallas Police Department policy on the use of deadly force is included in a General Order, dated November 21, 1977, which replaces and incorporates a large number of prior materials. Deadly Force is addressed as section 302.00 in the General Order. By now, we have seen how some departments separate the subject out and highlight its importance with special bulletins, attractively put together. In Dallas, deadly force information tends to be buried among a very large amount of other information deserving the attention of a law enforcement officer.

Section 302.00 begins with the following statement:

The policy of this department permits deadly force to be used where an officer is authorized to use such force in accordance with Chapter 9 (Justification Excluding Criminal Responsibility) of the Texas Penal Code, State of Texas, 1975; however...

The "howevers" make up an interesting group, worth a moment's pause. They include firing into buildings or other places where offenders are suspected of hiding, except in instances where there is no doubt of the offender's location and when deadly force or intended deadly force is being directed from that location at that officer or others. Deadly force also is prohibited

against cases of "criminal mischief" or against persons who escape from custody, "unless the officer or others are in imminent danger of death or serious bodily harm." Neither vehicular shooting nor warning shots are allowed, nor may animals be killed unless they present an imminent danger of death or serious bodily injury. This is an unusual rule: all departments address the use of gunshots to deal with animals, a matter we have mentioned but not discussed earlier, but generally, for those we have looked at, they allow more leeway in the use of weapons against animals who are suffering mortal wounds.

The section is quite brief, concluding with some two paragraphs of specification of circumstances in which an officer may draw and/or display his weapon. These include the common ground of fear for personal safety or the safety of others, and the situation in which the offender is suspected of having a deadly weapon in his possession.

Stress Shooting. We have dwelled, perhaps overlong, on the matter of stress training and stress management, which appears to be an important component of the operation of so many police organizations. Dallas shares in this emphasis. Its department psychologist, in a published article, (The Police Chief, April 1978) sets forth the rationale for this line of concern in police work:

A police officer lives and performs under more stress than members of any other profession. He is exposed to situations that the average citizen never even hears about. He risks his life as a matter of daily routine. He is expected to always take the appropriate action; make the right decision; use only the correct quantity and quality of force; and never make a mistake. If a laborer or a white-collar worker makes a mistake, he will probably receive,

at most, a reprimand and wrist-slap from the supervisor. In police work, there are no minor mistakes since any slip-up can result in harm to self, partners, citizens, and also in major legal implications. Even though police work is not the most physically dangerous profession, it certainly is the most emotionally dangerous of all professions.

This strikes us as a bit melodramatic and, in truth, probably factually inaccurate, or at least somewhat misleading. Mistakes in all lines of work can have serious repercussions, and it is highly debatable that law enforcement officers, as civil servants, suffer more severe consequences for an overwhelming number of their mistakes than do employees of business organizations, laborers, physicians, athletes, or persons in innumerable other occupations. None of which is to say or even to imply that stress management is not a highly advantageous approach toward understanding and alleviating common difficulties associated with the law enforcement life. But the matter, it seems to us, is one that well could benefit from much closer scrutiny, given the invariably limited resources available to any public agency such as the police.

The Dallas department has available, free of charge, a totally confidential stress management program for officers and their dependents. It seems highly sophisticated and comprehensive. Its evaluation would provide an interesting sidelight on issues of deadly force usage, when these eventuate in recourse (or do not, for that matter) to the stress management program. The paper by the Dallas department psychologist elaborately sets forth some of the kinds of living situations which might produce stress: "Jealousy," "Disagreement in Child Rearing," and "Over-Achieving Officers," among many others, and then discusses at length biofeedback techniques for controlling stress levels.

Citizen Complaints. The figures supplied to us by the Dallas Police Department include complaints registered by citizens for the period from January through October of 1979. These total 217 complaints, 138 externally originated and the remainder arising from within the department. What is noteworthy is that in 12 cases the complaints resulted in dismissals. It would be interesting to ascertain whether these were from the external or internal sources, since we have noted earlier that in the cities we have examined the responses to external complaints appear to be relatively mild, which may, of course, be a function of the nature and trustworthiness of the complaints and not in any sense of departmental bias.

Training Program. Dallas recently (March through May 1980) held an in-service program for approximately 35 officers a week. It is noteworthy that the use of deadly force constituted about half of the emphasis on this program, indicating the importance attached to the subject. The other subjects addressed were elements of the Penal Code, decision shooting, child abuse, energy conservation, and baton training. In the segment on deadly force, the curriculum outline indicated that:

This course will consist of a review of General Order 302.00, a film entitled "Intentional Use of Deadly Force," and a study of case histories and departmental policy.

The training program for recruits, in regard to the class that was enrolled during the August 1979 to December 13, 1979 course, ran a total of 656 hours. No section on deadly force is included in the curriculum, but it is obvious that a variety of different subjects would be likely to include within them some instruction on the subject. There are 55 hours of firearms training, which open with a five-hour orientation that includes "firearms safety and legal-moral aspects in the use of firearms." There is a further

segment on the prevention of assaults. It covers 88 hours, and includes information on how to deal effectively with potentially dangerous situations by means of verbal and interpersonal behavior. Also covered are defensive tactics, including the use of the police baton.

Shooting Statistics. Subsequent to the field visit, the Dallas Police Department provided detailed information on shooting incidents for the years of 1977, 1978, and 1979. First, we will reproduce these materials in the format that we have used earlier, then we will examine some additional information that they provide for analysis. The material appears as Table 21.

[INSERT TABLE 21 HERE]

The 23 suspects who have been killed by members of the Dallas Police Department in the three years for which we have figures averages 7.7 persons a year. This is the second highest average that we have encountered in the six cities we have examined for which numerical information was available.

The Dallas Department tabulations indicate, using 1979 for illustrative purposes, that of 77 shots fired by officers, there were 18 hits, about one hit in four shots. The percentage is a bit higher for 1978, 33 percent. Comparison with Table 3, which is the most similar report we have, representing San Diego, shows a somewhat higher ratio of deaths to woundings in Dallas (23 to 15) than for San Diego (20 to 24). It is arguable whether this is a testament to marksmanship, or evidence of different conditions under which officers in the two departments have recourse to the use of potentially lethal force.

It might be noted that no officers were killed in Dallas during the three-year period covered by the statistics, compared to three officers killed in a four-year period in San Diego. On the other hand, there were quite a few more officers wounded in Dallas than in San Diego; ten in three years in Dallas, and seven in four years in San Diego.

TABLE 21

Shots Fired at and by Police Officers
Dallas: 1977-1979

Category of Event	1977	1978	Year 1979	Total
<u>By Police Officers</u>				
Suspects Killed	5	9	9	23
Suspects Wounded	9	3	2	15
Shots Fired at Suspects	NA	78	77	
<u>At Police Officers</u>				
Officers Killed	0	0	0	0
Officers Wounded	4	3	3	10
Shots Fired at Officers	NA	20	18	38

The ratio of killings plus woundings by and from police officers show the following relationships between the two cities. For Dallas there were a total of 38 such incidents by police officers as opposed to ten against them, for a ratio of 3.8 to one. In San Diego, the totals were 44 by, and 10 against, for a ratio of 4.4 to one. It would be informative, we suspect, to be able to provide similar calculations for the other cities we have scrutinized and then to compare these figures to conditions that seem to prevail in the jurisdictions in terms of other elements of the police performance.

Crime Statistics. The crime rates for the city of Dallas for 1977, 1978, and 1979, the years for which we were given information, are presented in Table 22.

[INSERT TABLE 22 HERE]

These figures will be employed for later analysis, in the concluding section of this report. It should be noted, in passing, that for many of the cities offenses such as aggravated assault are broken down in regard to the kinds of weapons employed. In Dallas, for instance, there are assaults with gun, with knife or cutting instrument, with other dangerous weapons, and, finally, with hands, feet, etc. We have mentioned earlier that aggravated assault figures tend to be far from precise in terms of crimes reported, because they are the kinds of episodes that may or may not be reported to the police, depending upon a variety of circumstances. Many a cutting fracas in a bar undoubtedly is never known to the authorities unless there is a serious injury or someone happens to summon officers. Whether the police are summoned undoubtedly has something to do with the relationships between the citizenry of the particular district, even the particular bar, and the police.

Nonetheless, it could be useful to take comparative figures on the types of weapons used in aggravated assaults and attempt to determine the

TABLE 22
Homicide, Robbery, and Aggravated Assault
Dallas: 1977-1979

Year	Homicide	Robbery	Aggravated Assault
1977	233	4,002	4,864
1978	249	4,155	5,506
1979	329	4,847	6,292
Total	811	13,004	16,662

"crime-of-violence" culture of the particular jurisdiction. This construct might then be related to the level of the use of deadly force. Aggravated assault numbers, in this way, may (though they may not) provide some indication of the carrying of weapons by persons and the readiness to use them, a matter that might well be related to deadly force episodes; that is, to the statistical likelihood of their occurrence.

DETROIT

At more than a million and a quarter population, Detroit in 1973 ranked as the fifth largest city in the United States. It also had the reputation at approximately this time for having the highest rate of homicide in the nation. Its violent crime rate, shown in Table 13, indicates an exceedingly large amount of such activity, the second highest rate for the country as a whole. The city is almost half nonwhite (45 percent), and its one police officer for every 247 persons indicates a great intensity of law enforcement effort. It is always debatable, of course, how much the manpower of a department affects crime rate. Assuredly, the more officers there are, the more crime they are apt to see in a proactive manner. It is also possible that a greater number of officers will imply swifter and more thoroughgoing response to citizen complaints of crime, and thus encourage a greater volume of such complaints. On the other hand, the number of officers per capita in a jurisdiction may merely reflect the crime rate, indicating a citizen and politician need to have greater protection against what is, or is seen as, a severe problem. With a 31 percent nonwhite police force, Detroit stands behind only Washington (44 percent) in terms of the number of its nonwhite personnel.

Firearms Policy. General Order 77-16, dated February 7, 1977, sets forth the Detroit Police Department's policies in regard to Regulations and Procedures concerning firearms. The policy has two preamble statements worth noting:

Members must always bear in mind that the use of firearms shall be confined to situations of strong and compelling need. The laws of this state and the rules of the department demand that

members use only the minimum degree of force necessary to effect an arrest. .

The law recognizes degrees of crime by providing degrees of penalty. The member about to shoot must consider the severity and the certain consequences of his action, particularly in those cases where the crime committed did not result in personal injury. Members must also consider that the maximum sentence imposed by our court system would result in neither death nor injury.

The Michigan Police Manual is then quoted, with its observation that "no one can be justified in threatening or taking life in attempting to arrest on suspicion only, without incurring serious responsibilities. Where the life of a felon is taken, by one who does not know or believe in his guilt, such slaying involves criminal liability" and "if a crime can readily be prevented without injuring the criminal, every wanton injury is a trespass, and may become a crime. Neither law nor morality can tolerate the use of needless violence, even upon the worst criminals."

The rules for shooting and not shooting are then set out, including a ban against the firing of warning shots and shots discharged from moving vehicles. Except for the initial two pages of the 40-page order, it does not consider deadly force, but rather focuses on types of weapons allowed and prohibited and their proper care and maintenance. There also is a brief section on procedures to be followed in the event of a firearm discharge.

The Detroit department also has a General Order, issued in mid-1978, dealing with proper responses to a barricaded gunman. These rules seem important to issues of deadly force, and in Detroit they are dealt with at some length and with considerable sophistication. It is noted, for instance:

The first officers at the scene shall make no effort to rush the building prior to the arrival of a supervisory officer. It shall be their responsibility to cover all exits to ensure that the gunman does not escape. They shall appraise the situation and notify the zone dispatcher...

- In those instances where officers or citizens are being fired upon by a barricaded gunman, the officers shall keep under cover and attempt to locate the source of the firing. Officers shall maintain firearms discipline and shall not fire their weapons unless their lives or the life of another is in imminent danger. Under no circumstances shall there be indiscriminate firing at the building or at street lights.

The order also covers situations involving hostages, and addresses matters concerned with the use of armored evacuation vehicles. It is noted too that "police personnel on duty at the scene shall exercise caution and shall adhere to all directives of the department in regards to the carrying of firearms. Officers shall not remove their badges or shields unless so directed by the tactical commander." Finally, off-duty officers are told to remain away from the scene unless they have specific orders to the contrary.

There are further orders concerning reports and records in regard to injuries to either officers or prisoners, and concerning the convening of a board of review. Such a board may be brought together by the concerned deputy chief in any case involving the use of force by a member of the department. The board must be convened in all cases in which a death has occurred as a result of the use of a weapon or force by a member of the department in the performance of his police duties. In the event of the

death of an officer, either by killing or suicide, a board also may be convened.

The Detroit Police Department's Shots Fired Report form is reproduced as Illustration 11, for the information of other departments who might be interested in inaugurating such a report or reviewing the one they currently employ.

[INSERT ILLUSTRATION 11 HERE]

Detroit, like a number of the other jurisdictions, has a very thorough tabulation of complaints by citizens and the disposition of such complaints. Again, the difficulty lies in attempting to compare categories which are differently used by the different units--a task that is beyond doing without going deep into the original files and recalculating the figures using standardized procedures and definitions. It is interesting that, for 1977, the department tabulates the number of citizen complaints by months of the year. That calculation shows a sharply rising number of complaints with each three-month period: 611 in January-March; 684 in April-June; 754 in July-September; and 842 for the remaining three months of the year. These brief summaries do not support the hypothesis that summer months in cities such as Detroit, with relatively harsh winters, bring out the most aggression because of more personal contacts and short tempers traceable to the weather conditions. At least, such an idea is not reflected in the citizen complaints about Detroit law enforcers.

Training. The Detroit Police Department in-service training occupies a block of time totalling eight hours; two of these are devoted to issues of deadly force. The segment is placed under the title "officer survival." There are no lesson plans for this element of the in-service training because the presentations are said to be tailored to the needs of the individual

**DETROIT
 DEPARTMENT
 POLICE**

(IN CASE OF MULTIPLE SUBJECTS, USE TOP PORTION OF REPORT FOR ONE SUBJECT ONLY,
 AND USE NARRATIVE FOR OTHERS)

OFFICER'S NAME LAST FIRST		M. I.	BADGE	YEARS IN C.P.T.	COMMAND	RANK
STATUS 1 <input type="checkbox"/> on duty 2 <input type="checkbox"/> off duty	IN UNIFORM? 1 <input type="checkbox"/> yes 2 <input type="checkbox"/> no	OFFICER'S QUALIFICATION 1 <input type="checkbox"/> expert 3 <input type="checkbox"/> marksman 5 <input type="checkbox"/> failed 2 <input type="checkbox"/> sharpshooter 4 <input type="checkbox"/> qualified		FIRING TYPE 1 <input type="checkbox"/> accidental 3 <input type="checkbox"/> att. suicide 2 <input type="checkbox"/> intentional 4 <input type="checkbox"/> suicide		DATE FIRED
MILITARY TIME (NEAREST HOUR) _____ hundred	LOCATION 1 <input type="checkbox"/> indoors 4 <input type="checkbox"/> automobile 7 <input type="checkbox"/> field 2 <input type="checkbox"/> alley 5 <input type="checkbox"/> street 8 <input type="checkbox"/> other 3 <input type="checkbox"/> wooded area 6 <input type="checkbox"/> yard		LIGHTING CONDITIONS 1 <input type="checkbox"/> daylight 4 <input type="checkbox"/> flashlight 7 <input type="checkbox"/> poor art. light 2 <input type="checkbox"/> dusk 5 <input type="checkbox"/> dark-no light 8 <input type="checkbox"/> other 3 <input type="checkbox"/> dawn 6 <input type="checkbox"/> good art. light			
OFFENSE (code)	NUMBER OF ARRESTS	SUPERVISORS AT SCENE? 1 <input type="checkbox"/> yes 2 <input type="checkbox"/> no	NO. OF OFFICERS AT SCENE	NO. OF SUBJECTS	WHO FIRED FIRST? 1 <input type="checkbox"/> subject 2 <input type="checkbox"/> officer	COMPLETE DESCRIPTION OF OFFICER'S WEAPON (code)
LOCATION OF OFFICER'S WEAPON ON INITIAL CONTACT 1 <input type="checkbox"/> in hand 2 <input type="checkbox"/> in holster 3 <input type="checkbox"/> other _____			OFFICER'S POSITION 1 <input type="checkbox"/> standing 3 <input type="checkbox"/> prone 5 <input type="checkbox"/> moving vehicle 7 <input type="checkbox"/> other _____ 2 <input type="checkbox"/> kneeling 4 <input type="checkbox"/> running 6 <input type="checkbox"/> barricaded			
OFFICER'S PROTECTION 1 <input type="checkbox"/> furniture 3 <input type="checkbox"/> wall 5 <input type="checkbox"/> none 2 <input type="checkbox"/> tree 4 <input type="checkbox"/> car 6 <input type="checkbox"/> other _____		NUMBER OF OFFICER'S SHOTS 1 <input type="checkbox"/> single action _____ 2 <input type="checkbox"/> double action _____		DIRECTION FIRED 1 <input type="checkbox"/> east 3 <input type="checkbox"/> north 5 <input type="checkbox"/> in ground 2 <input type="checkbox"/> west 4 <input type="checkbox"/> south 6 <input type="checkbox"/> in air		
DISTANCE (in feet) 1 <input type="checkbox"/> first shot _____ 2 <input type="checkbox"/> last shot _____	COMPLETE DESCRIPTION OF SUBJECT'S WEAPON (code)		LOCATION OF SUBJECT'S WEAPON ON INITIAL CONTACT 1 <input type="checkbox"/> in hand or in view 3 <input type="checkbox"/> none 2 <input type="checkbox"/> no weapon seen 4 <input type="checkbox"/> other _____			
SUBJECT'S POSITION 1 <input type="checkbox"/> standing 3 <input type="checkbox"/> prone 5 <input type="checkbox"/> moving vehicle 7 <input type="checkbox"/> other _____ 2 <input type="checkbox"/> kneeling 4 <input type="checkbox"/> running 6 <input type="checkbox"/> barricaded			SUBJECT'S PROTECTION 1 <input type="checkbox"/> furniture 3 <input type="checkbox"/> wall 5 <input type="checkbox"/> none 2 <input type="checkbox"/> tree 4 <input type="checkbox"/> car 6 <input type="checkbox"/> other _____			
NUMBER OF SUBJECT'S SHOTS	SUBJECT'S WOUND 1 <input type="checkbox"/> fatal 3 <input type="checkbox"/> superficial 5 <input type="checkbox"/> unknown 2 <input type="checkbox"/> critical 4 <input type="checkbox"/> self-inflicted 6 <input type="checkbox"/> none		OFFICER'S WOUND 1 <input type="checkbox"/> fatal 3 <input type="checkbox"/> superficial 2 <input type="checkbox"/> critical 4 <input type="checkbox"/> none		SELF DEFENSE 1 <input type="checkbox"/> yes 2 <input type="checkbox"/> no 3 <input type="checkbox"/> pending	
RECOMMENDATION 1 <input type="checkbox"/> no further action 2 <input type="checkbox"/> re-training 3 <input type="checkbox"/> disciplinary action 4 <input type="checkbox"/> pending						

SUPERVISOR'S INVESTIGATION-EXPLAIN INCIDENT IN DETAIL AND ATTACH A COPY OF THE INCIDENT REPORT.

officers, and because of this and other considerations they are held in confidence.

Recruit training on deadly force is included within the Firearms Training Unit, with the mimeographed materials containing a single-spaced page of the general kinds of rules that we have encountered in many other departments during the course of this survey.

Table 23 shows the numbers of hours devoted to firearms training for recruits (as well as in-service) under various categories of instruction.

[INSERT TABLE 23 HERE]

Shooting Statistics. Detroit is the initial jurisdiction that we have examined which in its tabulations of shooting incidents differentiates between those which occurred under on-duty and those which took place under off-duty conditions. The figures are presented in Table 24.

[INSERT TABLE 24 HERE]

We would not be surprised if essentially the same ratio of on-duty and off-duty fatalities brought about by police shootings marked other jurisdictions, though it is a matter that requires close scrutiny, because it carries important policy implications. The 58 shootings--19.3 a year--is quite high, but it must be remembered that Detroit is a good deal larger than the other cities we have been looking at, so that the rate must be adjusted to population size and a number of other variables for it to be considered in its true light.

Crime Statistics. Table 25 presents the crime statistics for offenses of the type we have been examining in this report as they relate to Detroit.

[INSERT TABLE 25 HERE]

TABLE 23

Firearms Training
Detroit

<u>Hours Pre-Service Legal Aspects</u>	<u>Hours Pre-Service Policy Aspects</u>	<u>Hours Pre-Service Actual Shooting</u>	<u>Hours In-Service Actual Shooting</u>	<u>Training Frequency Per Year</u>
1	1	48	3	1

TABLE 24

Fatal Shooting Incidents by On-Duty and Off-Duty Officers
Detroit: 1976-1978

Year	On-Duty	Off-Duty	Total
1976	20	4	24
1977	16	1	17
1978	13	4	17
Total	49	9	58

TABLE 25

Homicide, Robbery, and Weapons Violations
Detroit: Five-Year Average
1975-1979

Homicide	Robbery	Weapons Violations
566.40	16,411.60	2,549

ROCHESTER, NEW YORK

The upstate city of Rochester in New York State is the first eastern United States jurisdiction that we have examined in this survey to this point. Rochester is the smallest of the seven northeastern cities which have populations in excess of a quarter of a million persons. It is the 51st largest city in the country, while its rate of violent crime stands 34th in the nation. Its ratio of one officer for each 430.7 citizens is rather similar to many of the places we have scrutinized. The nonwhite population (18 percent) is low compared to most metropolitan areas of the country. Additional information about Rochester can be gleaned from Table 26 which appears on the following page and presents data for all northeastern cities with more than 250,000 population.

[INSERT TABLE 26 HERE]

Only relatively sparse amounts of information were available in Rochester in regard to the police use of lethal force. This may be specific to the city and its police department, or perhaps it indicates that in smaller cities, the resources are not available to devote to a wide diversity of matters, and that they have to concentrate on what might be regarded as bread-and-butter law enforcement issues. Such things as special orders for dealing with hostages, or transporting prisoners by plane, are presumed to occur very infrequently, if at all, and cannot preoccupy a small department with other calls on its limited administrative personnel.

General Order. On April 24, 1977, the Rochester Police Department issued what remains the current statement on use of firearms by police personnel. It is noteworthy that the preamble contains this legalistic observation:

TABLE 26

Diverse Characteristics of Cities with 250,000 Population or More
in Nine Northeastern States*

City	Population (1973 est.)	National Rank	% Non- White	Number of Officers (1977)	% Black	% Spanish	Violent Crime Rate(1977)	Rank
New York	7,647,000	1	23%	24,895 ^a	8%	3.3%	1,594	7
Philadelphia	1,862,000	4	34	8,188 ^b	17	0.4	647	41
Boston	618,000	18	18	2,166	4	NA	1,525	8
Pittsburgh	479,000	27	21	1,416	3	0.1	954	21
Buffalo	425,000	31	21	1,092	NA	NA	928	22
Newark	368,000	37	56	1,463	18	2.0	1,678	4
Rochester	277,000	51	18	643	8	1.0	708	34

*Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont

This directive is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this Department and then only in a non-judicial administrative setting.

It is debatable, of course, whether the courts would construe the foregoing paragraph in the way in which the attorneys for the department obviously would like them to. But the statement does represent the only one of its kind we have encountered in our review of policies.

The order specifies, among other things, that "a police officer may use his firearm against a human being when he is ready, willing, and JUSTIFIED in taking human life." The upper-case usage appears in the original of this somewhat enigmatic sentence. Among the more unusual provisions in the Rochester regulations is one specifying that deadly force may be employed against an offender who is attempting to commit forcible sodomy. Arson is included in the offenses justifying deadly force as well, a situation not uncommon in the cities we have examined. The remainder of the order sets forth in a thorough and workmanlike manner the conditions under which firearms should and should not be employed, with considerable attention (as in many other jurisdictions) to cases involving animals. There also is a segment on the use of weapons for the purpose of arrest, and another on reporting. The document concludes by incorporating rules concerning firearms training and qualifications that will prevail in the department.

The report form for Firearms Incidents is included as Illustration 12, for the information of persons interested in the documentation sought on such matters by departments throughout the country.

[INSERT ILLUSTRATION 12 HERE]

The Rochester Police Department also has an Evaluation Report that emerges from responses to the training film. This is included as Illustration 13. We did not obtain any other training materials that bore directly on the issues of deadly force usage.

[INSERT ILLUSTRATION 13 HERE]

Shooting Incidents. The statistics for shooting, as supplied to us in Rochester, indicate 5 deaths resulting from police shooting incidents in the years of 1976, 1977, 1978, and 1979.

[INSERT TABLE 27 HERE]

Crime Statistics. Rochester did not supply us with an internal detailing of criminal offenses of the kind that we received in all of the other cities we visited. Such detailing provides breakdowns of offenses within major categories. For Rochester, the figures (Table 28) are from the Uniform Crime Reports, and include information for 1977 and 1978.

[INSERT TABLE 28 HERE]

ROCHESTER POLICE DEPARTMENT
ROCHESTER, NEW YORK
FIREARMS INCIDENT REPORT

A. INCIDENT SCENE STATISTICS

DATE OF INCIDENT _____ TIME OF INCIDENT _____

LOCATION OF INDICENT _____ CR # _____

TYPE OF PREMISE: _____

INCIDENT TOOK PLACE: Inside _____ Outside _____ Both _____

LIGHTING CONDITIONS _____

WEATHER CONDITIONS _____ TEMPERATURE _____ OF

B. CLASSIFICATION OF INDICENT

INCIDENT DISPATCHED AS (Alarm ringing - Robbery in Progress - Family Trouble, etc.)

ACTUAL NATURE OF INCIDENT WAS _____

C. POLICE OFFICER INFORMATION

NAME _____

AGE _____ LENGTH OF SERVICE YEARS _____ MONTHS _____

UNIT/SECTION ASSIGNMENT _____ PLATOON _____

WERE YOU ON-DUTY OR OFF-DUTY? _____ If "on-duty" - what type (ie., plainclothes investigator) _____

WERE YOU WEARING A BULLET RESISTANT VEST? Yes _____ No _____

If "yes" - What MAKE _____ MODEL _____ SIZE _____

Illustration 12 (continued)

WHAT TYPE OF HOLSTER WERE YOU WEARING?

Issued? _____ Make? _____ Model? _____

Did it function Correctly? Yes _____ No _____ If "NO", why? _____

D. SUSPECT INFORMATION

SUSPECT NAME _____

ADDRESS _____ RECORD # _____

AGE _____ D.O.B. _____

PRIOR CRIMINAL RECORD:

Misdemeanor _____ Felon _____ None _____

Was suspect on Parole? Yes _____ No _____ If "Yes", for what crime? _____

Did suspect have an Accomplice? Yes _____ No _____ If "Yes":

Name _____

Address _____

Record # _____ Age _____ D.O.B. _____

Prior Criminal Record:

Misdemeanor _____ Felon _____ None _____

Was suspect on Parole? Yes _____ No _____ If "Yes", for what crime? _____

*Use additional form for more than two (2) suspects.

E. INFORMATION KNOWN PRIOR TO INCIDENT

What information did you receive prior to your arrival at the scene and from whom was it received?

Information received from dispatcher _____

Other Source _____ Name _____

Give details on what information was received _____

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CITY OF ROCHESTER

NEW YORK

SHOOT/DON'T SHOOT EVALUATION REPORT



POLICE TRAINING DIVISION
KENNETH C. TOWNSON
FIRE-POLICE TRAINING ACADEMY

1120 SCOTTSDALE RD.
ROCHESTER, NEW YORK 14622

NAME _____ DATE _____, 197__

RANK _____ FILM # _____ UNIT/SECTION/DEPT. _____

1.	SITUATION _____	<u>CORRECT</u>	<u>INCORRECT</u>
	Officer's Reaction Time-2 Points	_____	_____
	Justification-5 Points	_____	_____
	Marksmanship-3 Points . Hits _____ Misses _____	_____	_____
2.	SITUATION _____		
	Officer's Reaction Time-2 Points	_____	_____
	Justification-5 Points	_____	_____
	Marksmanship-3 Points . Hits _____ Misses _____	_____	_____
3.	SITUATION _____		
	Officer's Reaction Time-2 Points	_____	_____
	Justification-5 Points	_____	_____
	Marksmanship-3 Points . Hits _____ Misses _____	_____	_____
4.	SITUATION _____		
	Officer's Reaction Time-2 Points	_____	_____
	Justification-5 Points	_____	_____
	Marksmanship-3 Points . Hits _____ Misses _____	_____	_____
5.	SITUATION _____		
	Officer's Reaction Time-2 Points	_____	_____
	Justification-5 Points	_____	_____
	Marksmanship-3 Points . Hits _____ Misses _____	_____	_____

SHOOT/DCN 'T SHOOT EVALUATION REPORT

CORRECT INCORRECT

6. SITUATION
Officer's Reaction Time-2 Points
Justification-5 Points
Marksmanship-3 Points . Hits Misses

7. SITUATION
Officer's Reaction Time-2 Points
Justification-5 Points
Marksmanship-3 Points . Hits Misses

8. SITUATION
Officer's Reaction Time-2 Points
Justification-5 Points
Marksmanship-3 Points . Hits Misses

9. SITUATION
Officer's Reaction Time-2 Points
Justification-5 Points
Marksmanship-3 Points . Hits Misses

10. SITUATION
Officer's Reaction Time-2 Points
Justification-5 Points
Marksmanship-3 Points . Hits Misses

TOTAL HITS MISSES FINAL SCORE %

REMARKS:

FIREARMS INSTRUCTOR DATE / / 197

TABLE 27

Justifiable Homicide by Police
Rochester: 1976-79

<u>1976</u>		<u>1977</u>		<u>1978</u>		<u>1979</u>	
<u>On Duty</u>	<u>Off Duty</u>	<u>On Duty</u>	<u>Off Duty</u>	<u>On Duty</u>	<u>Off Duty</u>	<u>On Duty</u>	<u>Off Duty</u>
2	0	0	0	0	1	2	0

TABLE 28

Homicide, Robbery, and Aggravated Assaults
Rochester, 1977 and 1978

Year	Homicide	Robbery	Aggravated Assault
1977	47	1,099	825
1978	28	1,010	1,187
Total	75	2,109	2,012

NEWARK

We have now rather reached a point of diminishing returns in regard to "new" or "different" kinds of materials in regard to police use of deadly force, and will to a large extent indicate in rather cursory fashion some of the highlights of the remaining three cities of our survey, without going into a great amount of detail about deadly force policies, since these to a very great extent repeat phenomena that we have encountered in one or another of the jurisdictions examined earlier.

Newark, New Jersey, at 368,000 persons is the 37th largest city in the United States, with a violent crime rate that stands as the fourth highest in the nation. Its percentage of nonwhite population - 56 percent - is the highest of that of any city we have examined in this survey. Its ratio of one policeman for every 251.5 citizens indicates a high intensity of policing. The 18 percent nonwhite representation on the police force is one of the lower ratios of officers to citizens of the blacks in a city.

Newark, like Rochester, does not have a good deal of available material regarding the subject of police use of deadly force, a matter that, at least on a sample of two, may be more characteristic of cities in the east than elsewhere in the United States. The department has promulgated a General Order, dated June 1, 1977, that covers nine single-spaced pages and sets forth rather thoroughly the departmental policies. Perhaps the most unique aspect of the General Order (in essence it is typical of those of most Departments) is section II(A) (2), which reads:

Police officers who observe any member of the Newark Police Department and/or other Law Enforcement Agency discharge a firearm shall submit either "Administration Submission,"

Form DP1:1001 or "Continuation Report," form DP1:795 to their Commanding Officer....

It is further noted in the following subsection that the reports shall include the incident, time, location, type of firearm/s used, number of rounds fired, identity of the officer, and any other information requested by a superior officer. Superior officers are specifically ordered to have their subordinates submit reports if they observe them discharging a firearm. The Order also mandates the keeping of a log book, "in clear up-to-date format," which shall include a roster of all incidents where departmental personnel have discharged a firearm. The log book is to include but not be limited to the following information:

- (1) The date, time, and the location of the discharge of a firearm by a police officer.
- (2) The name of the police officer and his badge number and I.D. number [Ed. note: The last item has been inked into the order.]
- (3) Information regarding the victim; name, address, telephone number, injury, age, sex, race, nativity, etc.
- (4) The name, address and telephone number of any complainants.
- (5) The name, address, and telephone number of any witnesses.
- (6) The Command Post personnel assigned to oversee the preliminary investigation.
- (7) The name of the district and command personnel assigned.
- (8) Brief statement of facts.
- (9) Disposition of the incident.
- (10) The I.A.D. Firearms Discharge Number.

The primary aim of the investigation, it is noted, is to determine "the reasonableness of the officer's action under the circumstances."

There are further rules in Chapter 9 of the departmental regulations concerning Firearms. These include elaborate rules concerning the carrying of off-duty weapons other than the weapon officially in use by the Department. There is also a provision regarding repairs and adjustments to police weapons.

Crime and Shooting Statistics. The Division of State Police, Uniform Crime Reporting Unit, which is located in Trenton, issues an annual compilation of crime statistics for the state of New Jersey. It is a very comprehensive report, much like the federal UCR material, only targeted at political and geographical subdivisions of the State of New Jersey. It is notable that some 6 pages of the report (it runs to 177 in the 1978 edition) are taken up with killings and assaults with police officers as targets. There is absolutely no gainsaying the significance of such material, particularly in terms of the locale and the change over time in such events. On the other hand, it is obvious that the issue of police shootings of suspects and bystanders is also a matter of public interest and concern, and it may well be that some attention, if only of a lesser nature, should be accorded the matter in the New Jersey report. This should be handled carefully so that there is no implication that such shootings are untoward or unreasonable, because the necessity of the killings depends very much upon the individual circumstances and cannot be deduced from any aggregate figure. But attention to the matter could have ideological, political, and policy importance, if the tabulated material is presented so that its interpretation does injustice neither to the law enforcement agencies nor to the public which might be interested in an accurate and detailed assessment of the matter of police use of deadly force throughout the state.

Table 29 indicates the information tabulated by the Newark Police Department for us in regard to three categories: Total Shots at Persons, Persons Killed, and Persons Hit. The seven persons killed by the police over four years is, at 1.75 such incidents a year, among the lower totals we have encountered.

[INSERT TABLE 29 HERE]

Finally, Table 30 presents data on crime statistics for Newark as taken from the relevant federal Uniform Crime Reports which were supplied to us by the department.

[INSERT TABLE 30 HERE]

In Newark, warning shots are allowed, but only about four are reported to have been used each year. We do not know whether such shots are included in the tabulations of the total shots fired at persons: presumably, by a tight definition, they are not included. The number of persons hit in terms of the shots reported to be fired with the attempt to inflict injury or death seems low compared to other jurisdictions, but the "total shot" figure always must be regarded with caution in terms of its likely equivalence across departments.

TABLE 29

Total Shots Fired at Persons, Persons Killed and Persons Injured
Newark: 1976-1979

Year	Total Shots Fired at Persons	Persons Hit	Persons Killed
1976	37	6	1
1977	47	16	4
1978	23	6	1
1979	43	18	1

TABLE 30
Homicides, Robberies, and Aggravated Assaults
Newark: 1976-1978

Year	Homicides	Robberies	Aggravated Assaults
1976	99	3,834	2,309
1977	92	3,202	2,556
1978	109	3,682	2,737
Total	<u>300</u>	<u>10,718</u>	<u>7,602</u>

NEW YORK CITY

In many regards, New York City stands in a grouping all by itself in terms of a large number of municipal issues. With a population of almost eight million persons, it is the country's largest city. Its total of 24,895 law enforcement officers compares with the total population of many cities in themselves. It is a vast, highly cosmopolitan area in terms of the numbers and kinds of individuals found within its boundaries, including a large commuting population that pours into the city during the weekday working hours. Tourist entrant numbers are large, and the financial transactions that are carried out within the boundaries of the city are enormous. All told, New York is in a category by itself, and it is just as well that it comes up at this later point in the report so that we can focus primarily on things that relate to deadly force in New York that differ from and could be useful to other jurisdictions rather than attempting to set out the entire panorama of the issue as it is reflected in this unique jurisdiction.

The violent crime rate of New York, it can be seen from Table 26, is 1,594, which places the city seventh in the nation, well below Newark, which has about one-twentieth New York's population.

Firearms Discharge Policy. The New York Police Department Policy guidelines on the use of deadly force are set out, among the documents we have, in a 25-page paper that is used for recruit training. The same paper also considers use of physical force, an arguable (but perhaps quite useful) combination of the subjects.

The opening focus of the document is upon justification, with only a brief earlier mention of the importance of the issue - "use of force against another person represents the most serious intrusion possible on his liberty and his person." As we have seen elsewhere, there is some emphasis on the

fact that though deadly force may be used this is not to be taken to mean that it should be employed.

The segment on deadly force follows that on physical force, and it is noted in capital letters that YOU MUST KNOW THIS TOPIC THOROUGHLY. There is a particularly interesting use of a mnemonic device to convey to the recruits the circumstances under which they may resort to deadly force against a suspect. The term is Dr. Barks. Each of the letters has the following signification: D is for Deadly Physical Force [in this section it is noted that, though civilians must retreat, if possible (earlier it had been noted that they need not leave their domicile), peace officers do not have such an obligation]. R stands for robbery; B for burglary; A for arson; R for rape, forcible; K for kidnapping; and S for sodomy, forcible.

The document intermingles the rights of civilians and peace officers to employ physical and/or deadly force, also an arguable method of setting out the information, since the conditions often vary significantly and it seems uncertain whether the distinctions might at this time be helpful to the officer or merely add a degree of confusion to the lesson. Among the materials is this interesting case illustration:

Joe commits a grand larceny, a felony, by stealing a ring from the local jewelry store. As he is fleeing, Police Officer Morton is chasing him. He quickly turns and punches the police officer in the face, causing him to drop his service revolver. Joe picks it up and continues to run away. P. O. Morton's partner shoots and kills Joe. He would be justified in using deadly physical force because Joe had committed a felony and

was armed with a deadly weapon (Officer Morton's gun) in the course of escaping.

There also is a caveat to the legal dictates that is written particularly for the New York City officer:

The mandate of the law is that deadly physical force can only be used when necessary. This means more than merely meeting the criteria listed in the law. In a city as large and as densely populated as New York, there is valid concern with more than just the fact that a particular crime has been committed. We must take into consideration our geographical surroundings and the people within it....

The police officer must recognize that the Penal Law applies uniformly throughout New York State. Actions which may be construed as a prudent use of a firearm in a rural community might not be appropriate within the confines of a densely populated urban area such as New York City.

Thereafter, rules designed for New York officers by the department are enunciated. These include: (1) Shooting should be a last resort; (2) Don't shoot if innocent persons are endangered; (3) Don't fire warning shots; (4) Don't fire to summon assistance; (5) Don't shoot at or from a moving vehicle. And the conclusion is stated in these terms:

A police officer should realize that he is unique in our society. His areas of responsibility include everything from traffic control to delivering of babies. While

performing these diverse tasks he is expected to protect lives and property as well as prevent and arrest criminals. He is granted and may use a broad range of powers. However, there is no requirement that he use all the power he has in every case.

The law does not command that a police officer use the maximum force; it dictates that the minimum amount of force which is consistent with the accomplishment of his mission should be used. The maximum amount should ONLY be used if it becomes absolutely necessary.

[Italics in original.]

The material on the use of deadly force concludes with a 39-question examination. Most questions are concerned with the use of force by civilians, and primarily with matters of self-defense. Question 29 is an example of the matters raised in regard to the use of deadly force by law enforcement personnel:

29. The police corner 2 men attempting to kidnap another and place them under arrest. One man turns to the other, accuses him of alerting the police, and takes out a knife. Before he can stab his partner, an officer draws his gun and shoots him. Was the officer justified in his actions?

Space is provided for checking either "Yes" or "No" (the correct answer is "Yes"), and the respondent is also asked to explain the reasoning behind his or her answer.

As some of the other cities have done, New York in its training materials tries to convey some ideas about how to avoid provoking situations which might result in the use of any form of forceful behavior. In New York recruits are told that "Derogatory, ethnic, and racial statements should be avoided." An officer should use firm but non-provocative statements: "Police, don't move!" is an example of such a statement, contrary to "Okay, dummy, you blew it this time, you're mine." A good example of verbal usage is said to be: "Don't move. Use your head. Don't do anything foolish. Just relax, and put that gun down."

The section on emotionally-disturbed persons, wisely we think, highlights issues of deadly force, and its summary is worth putting on record:

The point to be made here is that department policy concerning handling the emotionally-disturbed does not state or imply that there are no circumstances under which the use of the firearm may be necessary. The Operations Order directs the patrol supervisor to establish firearms *control* and to direct that deadly physical force not be used *unless someone's life is in imminent danger*. Discussion should explore: 1. Minimizing the chances of a situation *becoming* imminently life-threatening. How could we do that? 2. Alternatives to using the firearm even in *some* life-threatening situations. Can this be done *without endangering our lives or the lives of others? How?* 3. Are the moral, legal, and departmental regulations regarding use of deadly force in defense of lives different when we're

dealing with an emotionally-disturbed person? [italics as in original].

A segment of the training materials on Patrol Tactics spends a good deal of time spelling out techniques for avoiding the escalation or the creation of situations which might eventuate in legitimate use of deadly force. The two important considerations are said to be tactical knowledge and concealment. The individual who does the best in these regards is said to be the usual "winner, or survivor" in police-suspect encounters involving deadly force. Tactical knowledge is defined as knowing as much as possible about a situation before taking action to resolve it. Instantaneous response to crisis is said to be deeply ingrained and thoughtlessly shared as a value among police officers, a debit on their professional ledger, the material maintains. In particular, the warning put on record in the New York materials is against "reflexive action."

In an interesting aside, the material notes that in earlier years, if an officer lost his gun (that is, had it taken away from him either by a ruse or under duress) he was to be penalized by the department. This resulted in many officers, humiliated by such a loss, going out to "get one," that is to get revenge against this particular offender or another, often by the use of deadly or physical force. "Fortunately," it is noted, the disciplinary policy that automatically followed a gun loss has been abandoned by the New York Police Department, which now evaluates the situations on a case-by-case basis, to determine if there truly was negligence or if the surrender of the gun was the best tactic among the alternatives that might have been available to the officer.

There also is among the New York materials a handout on how to deal with crimes in progress. We include it as Illustration 14. Particularly notable

in the materials is the warning against taking action without first determining whether or not a civilian might be a police officer out of uniform.

[INSERT ILLUSTRATION 14 HERE]

Firearms Discharge Statistics. The extent of firearms discharge and the consequences of such shooting are indicated in Table 31. The Table shows an average of more than 32 suspects killed each year in New York City, extraordinarily more than in any other jurisdiction that we have examined. The 2:1 ratio of woundings to deaths from officer fire is not far different, however, from most cities.

[INSERT TABLE 31 HERE]

New York City, more than any other place that we have scrutinized, breaks down its shooting statistics (a reasonable activity, given the higher numbers with which tabulations can deal), into a number of different categories. We have, for instance, an indication of the rank of the officers who have discharged weapons during 1977. It comes to one captain; four lieutenants; 36 sergeants; 67 detectives; and the remaining line officers. These figures differ but little from those of the previous year, indicating an established pattern that would be worth further examination in terms of the details of the episodes in which the different ranks were involved.

The department also tabulates suicides by officers who employ their own weapons. There were five such events in 1976 (as against no officers being killed by suspects), and two in 1977.

Table 32 indicates the day of the week for firearms discharges for the two years for which complete information was available to us. The quite striking variations between 1976 and 1977 are interesting. Most shootings in

Illustration 14

CRIMES IN PROGRESS HAND-OUTBEFORE APPROACHING THE SCENE

When you receive a crime-in-progress assignment, you and your partner should immediately determine the quickest and safest approach to the scene.

When deciding whether to use your roof light and siren, consider if the horn would do the same job. Would the siren warn the perpetrators of your approach? In the case of an assault in progress, that might be desirable. But generally, use of a siren and roof light should be limited. Be aware that other department vehicles may also be responding. Accidents are often caused when caution is sacrificed for speed. Avoid coming into sight of the premises until absolutely necessary. Use parallel streets for your approach. Be careful to preserve the element of surprise. It is one of your few advantages.

THE APPROACH:

Try to observe autos and pedestrians leaving the area. Your quarry may still be near. When actually arriving at the scene, NEVER stop in front of the location to which you are responding. In addition to obvious dangers to you and your partner, it is not good practice to make your presence known until absolutely necessary. Avoid slamming the RMP's door; the noise may be a warning.

Draw (but never cock) your revolver. If two or more radio cars respond, deploy yourselves so that some men enter from the front and, if possible, some from the rear.

If no crime is in progress, the first officer on the scene should immediately notify other units which may be responding in order to reduce the possibility of accidents and insure continued coverage of their sectors. Realize that calling over a phoney job is a useful ruse for the clever felon who desires to pull you out of your sector.

Remember that fleeing felons will often hide in the immediate area after a crime. Check stores, bus stops, amusement areas, hallways, alleyways, backyards, and other likely places of concealment.

In all ways keep uppermost in your mind that members in civilian clothes, Anti-Crime and Detectives on duty, may be responding to the same signal. BE SURE TO ESTABLISH THE IDENTITY OF ANYONE YOU HAVE OCCASION TO CHALLENGE, BEFORE TAKING ACTION.

After all assignments, review your individual and team approach to the scene with your partner. There is always room for improvement and prior consideration of unexpected contingencies. A well designed plan of operation will improve your success.

TABLE 31

Firearms Discharges and Consequences:
New York City, 1976-1978

Year	Firearms Discharges	Officers Killed	Officers Wounded	Suspects Killed	Suspects Wounded
1976	374	0	11	27	81
1977	414	2	16	30	93
1978	372	NA	NA	40	80

the former year, for instance, took place on Thursday, but Thursday was next-to-last among the days in the number that occurred by day for 1977.

[INSERT TABLE 32 HERE]

A common assumption probably would be that the most use of deadly force would occur on the weekends, particularly on Friday and Saturday nights, and over into early Sunday morning. Friday and Saturday do account for slightly more than what might be expected, but hardly in any particularly notable fashion. And, as mentioned earlier, the discrepancy between the two years is very great. That may well indicate the divorce-ment of use of firearms from other patterns of criminal activities, that is, that such usage is not a function of the level of crime at any particular time, or of the kinds of social activities that take place, but is related in a much more idiosyncratic fashion to other occurrences within the jurisdiction.

New York also tabulates the discharge of firearms by officer tours of duty. The other jurisdiction that does so, it may be recalled, was Kansas City. In New York, for both 1976 and 1977, about 45 percent of the incidents took place between 1600 and 2400; about 32 percent between 0001 and 0800; and the remaining 23 percent between 0800 and 1600. These figures, as Table 33 shows, are not congruent with those for Kansas City. It can be seen that most of the firearms discharges in Kansas City are in the period between midnight and early morning; while in New York they take place between four o'clock in the afternoon and midnight. The distinctiveness would be the kind of matter of some interest to research workers honing in on some of the precise characteristics of those things that bear upon rates of firearms discharge and lethal consequences.

[INSERT TABLE 33 HERE]

TABLE 32

Discharges of Firearms by Day of Week:
New York, 1976-1977

Day	1976	Number 1977	Total	Percent
Sunday	44	51	95	12%
Monday	53	44	97	12
Tuesday	49	59	108	14
Wednesday	60	72	132	17
Thursday	69	49	118	15
Friday	50	74	124	16
Saturday	49	65	114	14
Totals	374	414	788	100%

TABLE 33

Percentage of Firearms Discharges in Eight-Hours Period
New York and Kansas City

<u>Period</u>	<u>New York</u>	<u>Kansas City</u>
0800-1600	23	33
1600-2400	45	22
0001-0800	32	44

The months of the year in regard to firearms discharges are also available for New York City. We have retabulated the information to conform to the analyses we did for San Diego earlier in this report. Table 34 sets forth the information from New York.

[INSERT TABLE 34 HERE]

The San Diego information (Table 4) covered shoots at and by police, which would be a more delimited area of the total number of firearms discharges. It showed, for San Diego, that there was a decline during the last four months of the year, a trend not duplicated in the New York City statistics, where the summer and early fall months clearly have the highest number of firearms discharges for the four-year period. But this is largely attributable to but one of the years, 1977, because in each of the other three the total for July-September was exceeded by that for at least one of the other quarters of the calendar year.

Review of Shootings. The response of the departmental investigations of shootings are set out in a comprehensive annual report by the New York City Police Department. We will examine one year, 1977, to provide a sense of how these incidents generally wind up. That year 280 of the 374 firearms discharges were regarded as no violation of any regulation and 47 were defined as accidental. Of the 280, 256 were decreed to be in accord with departmental policy. Of the remainder, two resulted in the officer's being ordered to review the law and instructions in regard to discharge of firearms; 15 officers were mandated to undergo additional firearms instruction; in one instance it was recommended that the officer's current assignment be reviewed. Two officers had to undergo training other than that related to firearms; and eight were disciplined for other than firearms violations.

TABLE 34

Firearms Discharge Statistics by Quarterly Periods
New York: 1976-1979

Monthly Period	1976	1977	1978	1979	Total
January-March	92	103	81	84	360
April-June	97	90	107	73	367
July-September	90	137	93	97	417
October-December	95	84	91	110	380
Totals	374	414	372	364	1124

In the 47 instances in which the firearms were regarded as being discharged in violation of departmental policy, the responses, besides those dealing with remedial training, included medical counseling (four cases); dismissal (three cases); charges and specifications (19 cases); and command discipline (four cases). In all, the New York Police Department seems to either take a tougher responsive attitude to police firearms discharges than those we generally encountered, or to have more discharges meriting tougher disciplinary responses.

OAKLAND

We return to the west coast, where we began this inventory with the San Diego Police Department, for our final review of a law enforcement agency's operations in regard to the use of deadly force. Oakland, in Northern California, is a city of slightly more than a third of a million persons, ranking 42nd in size in the nation. It has one of the highest nonwhite populations among the large jurisdictions in the country--41 percent. Its police per capita ratio of 527.4:1 is an indication of relatively few officers compared to other cities of the same size. Oakland records a very high rate of violent crime, fifth in the nation.

Policy Statements. The statements which are used to capture, at least verbally, the ethos of the Oakland Police Department more than those for other units seem to place considerable stress on service, rather than such a heavy emphasis on crime control. The departmental policy statement, for example, is rather different from virtually all the others we have encountered:

It is the policy of the Department to accomplish the police mission as efficiently and as unobtrusively as possible with the highest regard for the human dignity and liberty of all persons, and with minimal reliance upon the use of physical force and authority.

Similarly, a Code of Ethics on the inside cover of the police manual is set forth in the following words:

As a Law Enforcement Officer, my fundamental duty is to serve mankind, to safeguard life and property, to protect the innocent against deception, the weak against oppression

or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality and justice.

Indeed the same theme appears in the introduction to the training manual for the department in which it is observed:

...the objective of this recruit school is to develop police officers who are not only technically competent and physically prepared, but humanistic as well.

We need only note briefly again, as a query, our interest in determining in some detail and with some integrity the possible relationship between such statements and other aspects of the police performance in the city in which they are enunciated.

Use of Lethal Force. On February 1, 1980, the Oakland Police Department issued Bulletin Index No: III-H-1, dealing with use of lethal force. The 16-page document is, in our view, very well put together, so well that we have included it with our text as Appendix A. It traces the historical background of the use of deadly force, noting at the outset that "one of the most persistent impulses operating in our society is the desire for a peaceful, tranquil way of life in which violence is not a daily occurrence and relationships are not based on fear." This restatement of the 16th Century Hobbesian English philosophy moves on to a philosophical discussion of deadly force issues that clearly is on a level that we have not encountered in any materials heretofore. It is arguable whether the average police officer or recruit would find such materials too erudite and academic, or would regard it as flattering and challenging to enter into so abstruse a discourse on the issue. And, of course it is even more problematic to

attempt to predict what consequence such response would have on ultimate behavior.

The document further notes that "it is obviously inconsistent with [the high ethical purpose of the police service] for any member to use force maliciously or frivolously to:

- advance his personal interests;
- advance the private interests of other persons;
- exact summary punishment;
- exact vengeance; or
- embarrass or humiliate anyone."

A thorough review of eight appellate court cases, the first from 1925 and the last from 1977, is incorporated into the report, followed by a statement of departmental policy on when and when not to shoot. The conclusion is set forth in these terms:

The most difficult decision an officer will ever make is the decision involving the use of a firearm and the taking of a human life.

When you are under attack or the suspect is attacking another person, the decision is less difficult. In the case of a fleeing felon, you may use deadly force to effect an arrest only after all other reasonable means have failed. Your use of such force to bring about the arrest must take into account the factors specified in Departmental policy. Clearly, these involve complex considerations which call for you to exercise extremely sound judgment under very adverse conditions. In making your decision, remember this: It is far better to allow a felon

to escape than to use deadly force under inappropriate circumstances. The Department will never criticize you for deciding not to fire.

Your operating assumption should be that you will ONLY shoot after you have considered all the factors involved in the Departmental policy, and only after you have decided, based upon all of the circumstances, that you have no alternative but to take a human life.

The 17-page bulletin concludes, again uniquely for the departments whose materials we have looked at, with a bibliography of intramural and scholarly materials relating to the police use of deadly force.

There are other materials, including General Orders and bulletins and the report of a Citizens' Complaint committee that we have available from Oakland, but since these add little to matters that already have been covered in some detail, we will not specify their contents.

Shooting Statistics. The statistics on shootings from the Oakland Police Department, as these were supplied to us, are presented in Table 35.

[INSERT TABLE 35 HERE]

Conclusion

This section of the report has involved a review of various kinds of initiatives and conditions associated with the police use of deadly force in 14 metropolitan police jurisdictions located in different sections of the United States. We will not linger overlong in this concluding section by offering a particularly detailed review of the different materials, findings and suggestions but rather will attempt to capture in very brief fashion some of the more general matters of interest that have impressed themselves upon

TABLE 35

Shots Fired at and by Police Officers
Oakland: 1977-1979

<u>Category of Event</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>Total</u>
<u>By Police Officers</u>				
Suspects killed	2	3	8	13
Suspects wounded	10	8	17	35
<u>At Police Officers</u>				
Officers killed	0	0	1	1
Officers wounded	2	3	4	9

us as we have examined the materials. Readers will find very specific kinds of procedural and numerical information within each of the reviews of the different cities we have scrutinized. Our aim here is to record only a few general summary observations.

First, it is evident from the materials that the larger American police jurisdictions with which we have been concerned are decidedly attentive to the issue of police use of deadly force. Perhaps the most common newer dimension in this attention bears upon the issue of civil liability for misuse of such force, with such liability falling upon the municipality, sometimes in rather expensive fiscal form. The tendency for departments today is to point out to their officers that they too are liable for misuse of force, and that they ought to exercise considerable caution before they act. Constant warnings are posed against precipitous behavior, and innumerable attempts made to try to downplay any frontier imagery of the heroic fast-trigger masculine stereotype.

The direction of the departmental directive without question is toward trying to harness in some manner the use of weapons to kill, wound, warn, or otherwise to deal with persons suspected of criminal activity. A prominent part of this movement is the establishment of Firearms Review Boards which are charged with undertaking extensive and often scrupulous and detailed investigations into all episodes involving the discharge of firearms. These bureaucratic procedures alone probably will contribute toward inhibiting officers from firing weapons, if only out of an interest in avoiding the comprehensive investigation that may follow such an act.

There is not as yet a highly pronounced emphasis on the subject of lethal force in the training or general order materials, in part undoubtedly because the subject constitutes a somewhat peripheral, however important,

aspect of the day-to-day character of police work. Most officers will spend their entire police careers without ever firing a shot outside the target range. The training and general order materials, generally quite thorough for most departments, are nonetheless of very uneven quality in their clarity, persuasiveness, pedagogical rigor, and general comprehensiveness. It would seem that departments could well learn a good deal one from the other, because often a particular department is weak in one aspect of its training on deadly force but strong in another, with the reverse true in regard to similar matters in another department.

A particularly interesting development is the stressing in less than a handful of the departments that we surveyed, that no disciplinary action or other untoward consequences would follow in the wake of a decision by an officer not to shoot, even though, presumably, later review indicated that, given the circumstances, he probably ought to have done so. This is, it seems to us, a particularly strong posture in regard to proscribed restraint in the use of deadly force by officers, and the consequences of such an order probably ought to be investigated with some care.

At times, strictures against the use of deadly force without extreme caution in regard to a review of the particular circumstances of the event is justified by the observation that, if captured, the offender likely would be subject to no more than a short term in prison or even lighter treatment, and that, in such terms, the use of deadly force in an effective manner constitutes a terrible irreversible punishment. There also appears in much of the material rather dire warnings about the consequences for the officer's own personality were he to take a life, even under conditions where no possible alternative seemed to exist. At the same time, it takes little reading between the lines in regard to some of the materials to see that the law

enforcement agencies which issued them have difficulty with what they regard as the truculence and the naivete of the public and the courts about the threat of crime and criminals. Most often such a sentiment is put into the form of a statement that says, in essence: Well, this is what the public thinks, and we are obligated, however little we like it or believe in it, as public servants, to be responsive to public imperatives. The dictate is to make the best of a highly imperfect situation, and different departments at times convey this message with varying degrees of gracefulness.

The reader will undoubtedly have noted that virtually all of the elaborate documentation regarding deadly force issued by the different departments has originated within the past five years or so. The police clearly are being formally responsive in their written materials to what may be an internal alteration in ethos and/or public concern over lethal force matters. The police will not surrender much autonomy in regard to internal review of what might prove to be breaches of departmental rules with respect to deadly force episodes, but they often set forth extremely scrupulous and demanding procedures for examination of such behavior.

APPENDIX A

THE USE OF LETHAL FORCE

Bulletin Index No.:	III-H.1
Master Alphabetical Index:	Force, Lethal Lethal Force Use of Lethal Force
Publication Date:	

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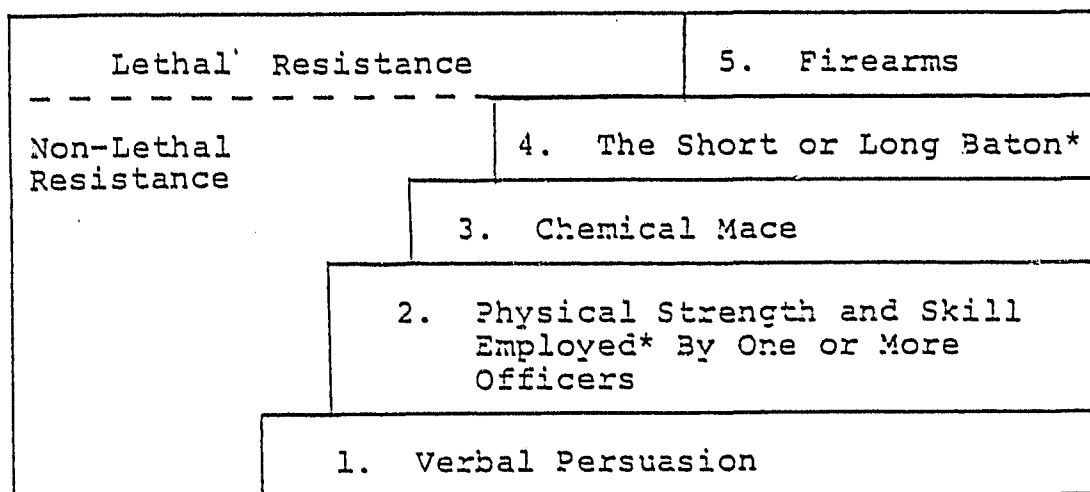
INTRODUCTION

In Training Bulletin III-H, The Use of Non-Lethal Force, the Department presented an analysis of the use of non-lethal force in terms of an escalating scale of responses to different types of refusals to comply with lawful authority. In the doctrine propounded there, each response corresponds to a different level of intensity of resistance; the limitations on the use of non-lethal force are made explicit as a matter of policy. This bulletin extends the reasoning presented there to include the legitimate use of lethal force and the corresponding limits on it (see Figure 1).

Lethal force means force likely to produce death or serious (life-threatening) injury. Any incident in which an officer discharges a firearm, whether deliberately or accidentally, and whether on or off duty, is considered as "the use of lethal force." Any occasion on which an officer uses a firearm or any other weapon which causes serious injury or the death of a person involves the use of lethal force.

It is the policy of this Department that the police mission shall be accomplished as efficiently and as unobtrusively as possible, with the highest regard for the human dignity and liberty of every person, and with minimal reliance upon the use of force and authority. It is, furthermore, the policy of this Department that members shall exhaust every other means of enforcing submission to arrest for commission of violent felonies before resorting to the use of firearms. Lethal force shall be employed only as permitted by Department policy.

The purpose of this Training Bulletin is to define Departmental policy on the use of lethal force and to examine the historical, ethical, legal, and practical issues associated with the subject.



*May be lethal if improperly used.

Figure 1. The Scale of Options for the Use of Force

THE HISTORICAL BACKGROUND

One of the most persistent impulses operating in our society is the desire for a peaceful, tranquil way of life in which violence is not a daily occurrence and relationships are not based on fear. This aspiration has been so imperfectly achieved -- and so many apparent exceptions to it can be pointed out -- that it is perhaps too easily scoffed at. Nevertheless, as a distinguished student of the role of the police in society, Professor Egon Bittner, has written, "the quest for peace by peaceful means is one of the culture traits of modern civilization." The police service as we know it was created to aid in this quest.¹

Professor Bittner invites us to distinguish between modern governments and governments which are not modern on the basis of their employment of force.² The Roman Empire, for example, attempted to achieve peace and order along its borders by "humbling the haughty;" that is, by the straightforward and relatively uninhibited use of force in dealing with its enemies. The laws which articulated its domestic policies were similarly harsh. Roman law provided for capital punishment in many forms and for severe modes of penal servitude (e.g., life imprisonment in the mines or on the galleys). Professor Bittner believes that at the beginning of the nineteenth century the Western democratic governments began a historically new venture in which

...compliance with the demands of political authority became...less and less dependent on the direct presence of officials and on threats or the exercise of physical coercion, and more on the voluntary performance of the governed...

This development is intimately connected with a shift of values which has enabled humane sentiments to find fuller expression in our governmental policy and in ordinary life. We can see examples of the beneficial effect of this in such phenomena as the abandonment of weapons as part of ordinary masculine dress, the elimination of dueling, the payment of taxes by mail, and the disappearance of impressment into the military services.

1. See Training Bulletin VIII - C.1, The History of Crime Prevention.

2. In this view, modernity is not merely a matter of date. No state in which the right of habeas corpus is absent and in which the government can proceed against its citizens without restraint should be considered modern.

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Professor Bittner acknowledges that this tendency is "continuously in danger of being overwhelmed by counter-tendencies." But, he continues,

...the overall tendency is not merely to withdraw the basis of legitimacy for all forms of provocative violence, but even from the exercise of provoked force required to meet illegitimate attacks. Naturally this is not possible to a full extent. At least, it has not been possible thus far. Since it is impossible to deprive responsive force entirely of legitimacy, its vestiges require special forms of authorization.

Such forms of "responsive force" are found in three areas:

- Self-Defense. The right of self-defense³ has been considerably circumscribed, but it remains valid in certain specified circumstances.
- Custodial Institutions. In certain settings (e.g., mental hospitals, prisons) specially deputized persons are allowed, within limits, to proceed against specifically named persons.
- The Police. The function of the police is to intervene in situations where force may be needed to impose a solution to a problem in its "native habitat."

Professor Bittner describes the unique role of the police in these terms:

...once an officer feels justified in making an arrest he has the duty to overcome the suspect's resistance and he may not retreat in the face of risks or threats of retaliation. The authorization and the obligation to use force on the basis of no more than reasonable belief that the undertaken action is justified is the exclusive monopoly of the police. No other official in any branch of civil government has this right or duty.

Professor Bittner states that this "exclusive monopoly" is by no means unconditional:

— 3. Stated, as regards justifiable homicide by a private citizen, in P.C. Section 197.

...the fundamental maxim of the methodical exercise of coercion by the police is that, just as society as a whole attempted to restrict the legitimate use of force by creating a special institution, so, in turn, resorting to it in police practice (the police) must be restricted to an unavoidable minimum...This objective can be attained only by making the use of coercion a technical element of professional peace keeping and crime control.

ETHICAL CONSIDERATIONS

The high ethical purpose of the police service in Oakland is set forth by the Manual of Rules in the following words:

...members shall at all times take appropriate action to protect life and property, preserve the peace, prevent crime, detect and arrest violators of the law, and enforce all Federal, State, and City laws and ordinances coming within Departmental jurisdiction.

It is obviously inconsistent with this purpose, and therefore unethical, for any member to use force maliciously or frivolously to:

- advance his personal interests;
- advance the private interests of other persons;
- exact summary punishment;
- exact vengeance; or
- embarrass or humiliate anyone.

Hence the injunctions in Training Bulletin III - H, The Use of Non-Lethal Force, against unnecessary force, malicious judgment, psychological abuse, and physical abuse. These injunctions apply even more stringently to the improper and unlawful use of lethal force.

In this, the policy of the Department is at one with the will of the people as expressed through the law. It is hardly necessary to note that the intentional, wrongful shooting of a person can subject a police officer to punishment for homicide, indictment for a civil rights violation, civil damages for wrongful death, or civil damages for a civil rights violation.

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COMMON LAW

In our ancient common law the primary distinction was between felonies and misdemeanors. The felonies were:

- homicide,
- rape,
- arson,
- mayhem,
- robbery,
- burglary,
- larceny,
- sodomy.

All other crimes were misdemeanors. The punishment mandated for a felony was death. Punishments for misdemeanors included mutilation and the infliction of physical pain. The common law allowed peace officers greater scope in the use of lethal force to apprehend persons suspected of felonies than does modern law partly because (in the case of fleeing or resisting felons, at least) death at the hands of the officer was considered merely a more rapid carrying out of the inevitable sentence on a person who, by his act, had forfeited the right to life. Such drastic measures, however, did not apply to misdemeanants. There was a rough equivalency between the punishments inflicted by the law and the degree of force officers were allowed to employ. Lethal force was restricted to the most serious offenses. Common law did not authorize lethal force to prevent the escape of a misdemeanant.

Modern law distinguishes between felonies, misdemeanors and infractions. It has multiplied the number of felonies (as well as misdemeanors) but at the same time it has established many different degrees of punishment for them. The number of felonies for which death is considered a proper punishment has dwindled, and the death penalty itself is rarely applied. Mutilation and physical pain have been eliminated altogether as punishments for misdemeanors. Infractions are not punishable by imprisonment. The tendency of these developments has been to undermine the usefulness of the distinction between a misdemeanor and a felony as a guide to the use of lethal force.

In an article which appeared in the Journal of California Law Enforcement, Steve Van Meter noted that "...a policy based on the dangerousness of a suspect confronted by police is preferable to one based on the nature of the original offense (the felony/misdemeanor rule)." The reason for this is that the officer is then free to concentrate on "the immediate issues: whether the subject is armed, whether the arrest can be effected without the use of deadly force, and whether allowing the suspect to escape would endanger others..."

STATUTORY AND CASE LAW

The special forms of authorization for the use of force referred to earlier which pertain to police officers are found in two sections of the Penal Code.

Penal Code Section 835a states:

Any Peace Officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance.

A Peace Officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested, nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest, or to prevent escape, or to overcome resistance.

The law provides, then, that "reasonable" force may be used to restrain or effect custody of an offender. But what, in concrete terms, is "reasonable?" Resistance to lawful authority takes many forms. What force is "reasonable" in one situation, excessive in another? These questions, which were asked of non-lethal force in Training Bulletin III - H, are now to be addressed in the context of lethal force.

Penal Code Section 196 states:

Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either --

1. In obedience to any judgment of a competent court; or
2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or
3. When necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest.

The guidelines justifying the use of lethal force by police officers in the pursuit of fleeing felons are provided by the decisions found in case law.

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Development of Case Law: Eight Cases

The meaning of the statutes, as propounded in the decisions of the courts, changes from time to time. In the instance of P.C. Section 196, a series of important changes have taken place, culminating in Kortum v. Alkire and Peterson v. Long Beach, which have restricted the use of lethal force in pursuit of fleeing felons.

1. Murphy v. Murray (1925). An officer responded to a burglary call. While he was questioning the occupant of the house, two men fled the premises. On his order to halt, one stopped, the other fled into a nearby grove of trees. The officer fired into the trees, striking someone and causing his death. It subsequently was discovered that the dead person was a 16-year old boy who had been engaged in a halloween prank completely unrelated to the burglary.

The boy's parents sued for wrongful death, and lost the case. The Appellate Court ruled that the officer had acted properly under the circumstances. In its decision the Court made the following statement:

When a police officer is seeking to arrest one charged with a crime, he is not acting in self-defense, but in defense of the state. The law requires him to make arrests under certain circumstances, and if he merely assumes the position of a private citizen protecting himself against harm, he is neglectful of the duty imposed upon him and is open to censure therefore...

When a peace officer acting under this authority makes an arrest of one who afterward proves not to have committed a felony, or when in attempting to make such an arrest he causes injury to the party arrested, his liability for damages therefore depends upon the question whether he acted in good faith and had reasonable grounds for believing that the person did commit the felony.

2. People v. James (1961). A wife killed her husband because he was about to beat her. The Supreme Court upheld her conviction and indicated that her anticipation of a misdemeanor assault upon her person did not justify her use of deadly force.
3. People v. Ceballos (1974). The defendant was convicted of assault with a deadly weapon after a teenage burglar had been wounded by a "trap gun" in the defendant's garage. The "trap gun" had been set up to protect the garage from burglary. In

in addition to disapproving of "trap guns" for any purpose, the Supreme Court further found that the use of any deadly force by a homeowner in this instance would have been unjustified. The burglary attempt occurred in the daytime and was limited to the homeowner's garage. The Court characterized the burglary attempt as a "nonviolent felony." The justices felt that deadly force is justified only where a violent felony occurs; that is, one which is "forcible and atrocious" or otherwise creates a reasonable belief that death or serious bodily harm is threatened.

4. People v. Piorkowski (1974). The defendant, who was not a police officer, had seen three youths in a dry cleaning store and observed one of them climb over the counter. After they left the store, the manager discovered her wallet missing from her purse, which had been behind the counter. The defendant told the woman to call the police while he chased the youths. When he caught up to them, he pulled a pistol from his holster and ordered them to halt. Two complied, but one continued his flight. A struggle ensued and Piorkowski's pistol discharged into the third boy's head. When police arrived, they recovered the stolen wallet from the wounded boy, who died shortly thereafter. The defendant was convicted of voluntary manslaughter, his conviction was affirmed, and his use of deadly force disapproved with the following statement:

The principle that deadly force may be directed toward the arrest of a felon is a correct statement of law only where the felony committed is one which threatens death or great bodily harm.

5. Long Beach Police Officers Association v. City of Long Beach (1976). The Police Officers Association brought suit against the city because of a regulation in the Department manual which limits the use of firearms to situations where a serious risk exists that the person whose arrest is sought will cause death or serious bodily injuries if apprehension is delayed. The Appellate Court upheld the regulation, reasoning that P.C. Sections 196, 197, and 835a, as interpreted by the courts, imposed certain limitations on the use of deadly force but did not forbid "a more cautious use of deadly force by the local police agencies than permitted by the code section." The court also noted that the great expansion of offenses now defined as felonies has caused the Appellate Courts to limit the use of deadly force to felonies which are "forcible and atrocious;" that is, those which threaten death or great bodily harm.

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6. Vallas v. City of Chula Vista (1976). As in the Long Beach case, the court approved local "shooting regulations" which are more restrictive than P.C. Section 196. Both rulings indicated that such local regulations could be used as a guide for officers within the subject jurisdictions but did not serve to limit the use of deadly weapons as permitted by state law.
7. Kortum v. Alkire (1977). A taxpayer's suit challenged the legality of a regulation issued by the Pleasant Hill Police Department. The regulation indicated that an officer was never justified in using deadly force to stop the flight of a misdemeanor, but it did authorize the use of deadly force when necessary to apprehend a "fleeing felon." The regulation further stated:

Before shooting at the fugitive, the officer should make every effort to let him know that he is being sought by an officer of the law. It is important that the officer use his gun only as a last resort.

The trial court held that the regulation was consistent with P.C. Section 196. The Appellate Court also upheld the regulation, but only by "rewriting" it -- and P.C. Section 196.

The Appellate Court studied recent developments in the law relative to the use of force by private citizens (James, Ceballos, and Piorkowski, summarized above). Recognizing that these cases applied to private citizens, it decided, nevertheless, that Long Beach Police Officers Association v. City of Long Beach extended their reach to police officers. Thus the Court felt enabled to alter the criteria stated in Murphy v. Murray. Its finding in Kortum v. Alkire was that:

...the California Penal Code, as construed by the courts of this state, prohibits the use of deadly force by anyone, including a police officer, against a fleeing felony suspect unless the felony is of the violent variety; i.e., a forcible and atrocious one which threatens death or serious bodily harm, or there are other circumstances which reasonably create a fear of death or serious bodily harm to the officer or to another.

8. Peterson v. Long Beach (1977). In 1972 a Long Beach police officer shot and killed Peterson. At the time of the killing Peterson was running from his apartment. The officer

had responded to a radio call erroneously reporting a burglary in progress at the apartment. He approached with gun drawn. Peterson fled and was shot in the head. The officer had had no report of, nor did he see, any weapons, violence, or threat of violence at the apartment. Peterson's parents sued the officer and his Department for wrongful death. The trial court ruled that the officer's use of deadly force was justifiable. It found that, while the officer failed to comply with certain guidelines for discharge of a firearm by a police officer contained in the department's manual, such guidelines did not constitute a minimal standard of care for the use of firearms and that failure to comply with them therefore did not constitute a negligent or wrongful act so long as the officer's conduct was within the permissible limits of the Penal Code, and his conduct was within such limit.

The Supreme Court reversed. The court held the police department manual contained regulations of a public entity within the meaning of Evidence Code Section 669(a), which provides "the failure of a person to exercise due care is presumed if ... (he) violated a ... regulation of a public entity..." The court held Evidence Code Section 669 applied, and the presumption of failure to exercise due care arose because the death "resulted from an occurrence of the nature of which (compliance with the guideline) was designed to prevent." Since the officer's violation of the guidelines raised a presumption of negligence, the court held he could not be freed from liability without a judicial inquiry as to whether he could successfully rebut the presumption.

As the law now stands in regard to fleeing felons, P.C. Section 196 must be understood to mean that officers have the authority to use lethal force to apprehend a fleeing felon only when the crime is a "felony of the violent variety." Furthermore, because of the Supreme Court's decision in Peterson v. Long Beach, Departmental General Order K-3, Discharge of Firearms, has become the "standard of negligence" for this Department. Failure to follow the provisions of G.O. K-3, even though acting within the limits of Penal Code Section 196, has implications in terms of civil litigation for the City, the Department, and the officer.

DEPARTMENTAL POLICY: WHEN AND WHEN NOT TO SHOOT

Departmental policy on the use of firearms is stated in General Order K-3, DISCHARGE OF FIREARMS. This order is based on a careful consideration of the meaning of common law, statutory law, and case law. It gives full recognition to the fact that the most serious decision an officer ever has to make is whether to take a human life.

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When Firearms May Be Discharged

General Order K-3 provides that when all other available means have failed, firearms may be discharged in the performance of a police duty under the following circumstances:⁴

1. When an officer must defend his or her life.
2. When an officer must defend another person's life.
3. When an officer must capture or prevent the escape of an adult who, the officer has reasonable cause to believe, has committed a dangerous or violent felony.

Points 1 and 2 above, relating to defense of life, are not subject to qualification or exception. When all other available means have failed, an officer engaged in the performance of a police duty has an absolute right to employ firearms to defend his or her own life. Similarly, an officer who has used every other available means to protect the life of an innocent person from a criminal has a right to resort to the use of firearms. When necessary, the decision may be made instantly.

As used in Point 3, relating to capturing or preventing the escape of a person who has committed a dangerous or violent felony, "adult" means a person 18 years of age or older. The officer's knowledge of or belief as to the person's age may be based upon factors such as his previous knowledge of the person, his observations of the person's appearance, or upon reliable information provided by other persons.

Point 3 is subject to the following qualifications and exceptions:

- (a) An officer may not discharge a firearm to capture or prevent the escape of an adult who has committed a dangerous or violent felony, if, based upon the attendant circumstances, the officer has reason to believe that the discharge may endanger the lives of passersby or other people not involved in the crime.

4. This General Order is revised by Special Orders when necessary to bring it into conformity with court decisions. It also provides for the use of firearms at an approved range and for the disposition of seriously wounded or dangerous animals.

- (b) An officer may not discharge a firearm to capture or prevent the escape of an adult who the officer has reasonable cause to believe has committed a non-violent felony, such as burglary, automobile theft, or a felony violation of the Vehicle Code.

When Firearms Shall Not Be Discharged

In addition to the limitations specified in (a) and (b) above, firearms shall not be discharged under the following circumstances:

1. As a warning.
2. At a person known or believed by the officer to be a minor (under the age of 18).
3. In any misdemeanor case.
4. From a moving vehicle.
5. At a moving or fleeing vehicle.

Points 2 to 5 above are all qualified by the same exception: self-defense or defense of another person.

General Considerations

Broadly speaking, Departmental policy considers that there are two categories of situations in which the use of lethal force may be necessary:

- (1) in defense of an officer's life or some other person's life; and
- (2) in attempting to apprehend a person who is committing a dangerous or violent felony⁵ or who has committed such a felony and is fleeing.

5. Note inclusion of persons in the act of committing a dangerous or violent felony. An officer is justified in using deadly force in order to interrupt or prevent the consummation of a dangerous or violent felony.

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Category 1: Defense of Life. As regards this category, the officer should evaluate whether the situation he perceives as posing a deadly threat possesses all of the following elements:

- (a) ability by the suspect to inflict grave bodily injury;
- (b) opportunity for the suspect to do so; and
- (c) given the suspect's ability and opportunity, jeopardy to police officers or other people.

A situation in which these elements are present requires, in the words of the Manual of Rules, that officers take "appropriate action to protect life and property." It constitutes the type of situation for which P.C. Section 835(a) mandates the use of "reasonable force" and stipulates that the officer "need not retreat or desist from his efforts by reason of the resistance of the person being arrested" and that the officer shall not "be deemed an aggressor or lose his right to self-defense by the use of reasonable force..." Note that the Penal Code uses the words "need not retreat" rather than "may not retreat," the words used by Professor Bittner, when speaking of the officer's response to threats or resistance by "the person being arrested." Neither the law nor the Department requires any officer to behave in a foolhardy manner or to indulge in "false heroics." Many times it is better for an officer to take cover rather than to refuse to "retreat" when lethal resistance is offered. This is in accord with current firearms training, which advocates always moving to a "position of advantage" in any situation where gunfire will occur.

A situation in which the factors of ability, opportunity and jeopardy are present also meets the standards of common law for the possible application of lethal force because the serious danger presented by the suspect is clearly evident, and to resolve the situation the officer must determine whether the suspect is armed, and whether the arrest can be made without the use of deadly force.

If the suspect's behavior is such that the officer must employ lethal force, the resulting death would be justifiable homicide within the meaning of P.C. Section 196.

Category 2: Apprehension of Persons in the Act of Committing Dangerous or Violent Felonies and Fleeing Felons. As regards this category, the officer should consider whether the following conditions exist:

- (a) there is probable cause to believe the person is committing or has committed a dangerous or violent felony involving the use of deadly force;
- (b) the person is an adult;
- (c) the lives of people not involved in committing the offense will not be endangered; and
- (d) all other available means of apprehending the person have failed.

When all of these conditions exist, the modifications of Penal Code Section 196 by case law, as it relates to prohibiting the use of lethal force to apprehend persons who have committed felonies which are not normally of the "violent and atrocious" kind (such as burglary), have been satisfied, and the use of lethal force by an officer would be justifiable both within the meaning of P.C. Section 196 and Departmental policy.

Do not assume that all situations will clearly fit - or remain - in one category or the other. Frequently, a suspect in the act of fleeing after committing a dangerous or violent felony will, at the moment of capture, turn on the pursuing officer and offer resistance to arrest. The problem which arises when such a suspect makes a "furtive movement" is an intrinsically difficult issue to treat. On the one hand, an officer is not expected to let a suspect fire the first shot -- but on the other, more is required to justify an officer shooting at a suspect than the officer's mere "hunch" or a suspect's vague movement. There must be an *articulable* deadly menace in the suspect's behavior; that is, something that can be described to a reasonable person.

Drawing Your Firearm

There is a great difference between drawing a firearm and discharging it. Even though there are only specified cases in which you may fire a weapon, the only Departmental constraint on drawing it is that it be drawn in the accomplishment of a police purpose. If you feel your life may be at risk, you may draw your weapon at any time and keep it drawn until you are assured you have no need to defend yourself.

It should be clearly understood, then, that you may draw your weapon in any incident in which you believe there is a need to defend yourself against a possible deadly attack, including burglaries, automobile thefts, and felony violations of the Vehicle

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Code -- felonies which are not typically "dangerous or violent" -- as well as in misdemeanor cases; however, drawing your revolver at any time should be based on your good judgment.

Although this Bulletin deals with limitations on your use of lethal force, it is not intended that any suspect should ever be allowed to be the first to use a weapon in a confrontation. As noted previously, nothing in this Bulletin should be understood as imposing a disadvantage on any officer in what could be a life or death situation.

Cocking Your Weapon.

While you may draw your weapon at any time in the accomplishment of a police purpose, do not cock it unless you intend to shoot at long range.

Unintentional discharges have occurred while members were carrying cocked revolvers in "combat" situations. For this reason, double action shooting is recommended for most occasions when it is necessary to draw a revolver. When single action shooting is appropriate, weapons should be cocked just before the moment of firing. (Single action shooting has little practical value except where long distances are involved and extreme accuracy is desirable.) A cocked revolver creates an unnecessary danger when it becomes necessary to pursue a fleeing suspect or to use your hands to complete an apprehension. Further, it is extremely difficult as well as hazardous to physically subdue a resisting suspect while holding a handgun, cocked or uncocked. (It is also unnecessarily dangerous to attempt to handcuff an unresisting suspect while holding an uncocked revolver.) While it is often proper and necessary to approach a potentially dangerous situation with your weapon in your hand, uncocked revolvers have been discharged when being carried by members who stumbled, fell, or were startled and pulled the trigger involuntarily.

Because of its greater firepower, a shotgun should be kept on safe until the moment before it may be necessary to fire.

CONCLUSION

The most difficult decision an officer will ever make is the decision involving the use of a firearm and the taking of a human life.

When you are under attack or the suspect is attacking another person, the decision is less difficult. In the case of a fleeing felon, you may use deadly force to effect an arrest only after all other reasonable means have failed. Your use of such force to

bring about the arrest must take into account the factors specified in Departmental policy. Clearly, these involve complex considerations which call for you to exercise extremely sound judgment under very adverse conditions. In making your decision, remember this: It is far better to allow a felon to escape than to use deadly force under inappropriate circumstances. The Department will never criticize you for deciding not to fire.

Your operating assumption should be that you will ONLY shoot after you have considered all the factors involved in Departmental policy, and only after you have decided, based upon all of the circumstances, that you have no alternative but to take a human life.

BIBLIOGRAPHY

General Order K-3, DISCHARGE OF FIREARMS (11 Jun 75).

Special Order 3260, Modification of Firearms Policy (30 Aug 77).

Training Bulletin I-A.6, Case Decisions - Escapes (19 May 67).

Training Bulletin III - B.2, One-Man Felony Car Stops (2 Apr 76).

Training Bulletin VIII - C.1, The History of Crime Prevention
(13 Oct 78).

Training Bulletin III - H, The Use of Non-Lethal Force (7 May 76).

Information Bulletin, "Firearms Safety" (4 Jun 79).

"Recent Cases: Peterson v. City of Long Beach;" Point of View
(Vol. VIII, No. 3, July/September 1977).

Egon Bittner, The Functions of The Police In Modern Society
(Center for Studies of Crime and Delinquency, N.I.M.H.,
Rockville, Md.).

Steve Van Meter, "Deadly Force;" J. California Law Enforcement
(Vol. 12, No. 3, January 1978).

USE OF DEADLY FORCE BY POLICE OFFICERS

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NATIONAL INSTITUTE OF JUSTICE

FINAL REPORT

VOLUME II

THEORETICAL AND EMPIRICAL BASES
OF THE RESEARCH

CHAPTER ONE

THE VIOLENT POLICE-CITIZEN ENCOUNTER

Public Policy Research Organization
and Program in Social Ecology
University of California
Irvine, California 92717
714/833-5449

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PREFACE

This volume of the Final Report contains our theoretical position and a summary of previous research in the area of the police use of deadly force. It also contains an overview of the methods used by society to maintain a balance among desires that often compete: minimum loss of citizen life, even that of a citizen who has committed a criminal act; minimum loss of life of police officers; and maintenance of the general peace in the community, including the minimization of criminal activity and of civil strife. These methods of control take the principal forms of statutory law, case law, and administrative law.

Evident throughout the discussions in this volume--as well as those in Volume III--will be, first, our focus upon the individual police officer rather than upon the police as a social entity, and, second, our emphasis upon the politics of the social control of deadly force. While not exactly uncommon in the human context, generally, the tendency seems particularly great in this area for pronouncements and positions to be given as of divine origin when the smoke is hardly out of the eyes of advocates from the rooms where the political decisions were made.

ABSTRACT

While the emphasis in this article is upon physical force on by the police officers, the perspective adopted is one of a transaction affected by police characteristics, citizen characteristics, and their interactions in a given setting. The violent police-citizen encounter, moreover, is considered a developmental process in which successive decisions and behaviors by either police officer or citizen, or both, make the violent outcome more or less likely. The emphasis upon mutual contributions in the encounter carries policy implications that have not always been carefully considered in the past.

INTRODUCTION

Any consideration of the violent encounter between police officer and citizen must recognize that police officers are human beings and products of the broad American scene. That is, the factors that trigger violence between Neighbor A and Neighbor B, or between Spouse C and Spouse D, or between Bar Patron E and Bar Patron F, when none of the participants is a police officer, can equally do so when one in each such pair is a sworn officer. We have, for example, the following account in the Los Angeles Times:

At 1:15 a.m. [Long Beach Detective Sgt.] Sutton, on his way home from duty on his personal motorcycle, was waiting for a red light to change at 3rd Street and Redondo Avenue.

A man pulled up beside the officer on a 10-speed bicycle and asked, "Have you got a problem?"

"No," Sutton said.

The man got off his bicycle and pushed Sutton's motorcycle over, knocking Sutton down and pinning one of his legs beneath the machine. Then the man began beating the downed and helpless officer in the face with his fists, kicking him.

Without a word, the man picked up his bicycle and started to walk it away. Sutton worked his leg out from under his motorcycle. He pulled out his badge and gun and ran to the man.

As Sutton identified himself as a policeman, the man picked up his bicycle and hurled it against the officer,

again knocking him down. Once more, the man began beating Sutton.

Sutton began to lose consciousness from the blows and, fearing the man would grab his revolver if he passed out, he raised the gun and fired one shot at the man... [and killed him].

...Sutton is bearded and was wearing street clothes when attacked, so it is doubtful the assailant could have identified him as a policeman.¹

It should be noted that recent investigators of the use of deadly force by police officers have found that as many as one-fourth of shootings by police involve off-duty officers.²

POLICE AND CITIZEN CHARACTERISTICS

But more important than broad human characteristics in any analysis of violent encounters between police officers and citizens are the unique characteristics of police officers and their likely opponents, as well as the special circumstances in which such violence is likely to occur. Thus, even in the case of the previous incident reported in the Los Angeles Times, the armed Sgt. Sutton may have conveyed to the aggressor a certain air--perhaps of contempt, special indignation, or superiority--stemming from his sense of personal identity as a police officer.

The Police Officer

Certain individuals choose to become police officers, and from that set of individuals a subgroup is selected, in accord with particular criteria, for recruit training. To illustrate one possible outcome of the process--in

New York City in the early 1960s--McNamara stated, "As a result of recruiting, the selection program, and the self-selection of candidates, newly appointed patrolmen tended to be primarily from the lower-middle-class segments of the population."³ The conclusion regarding general personality characteristics as a result of selection is more uncertain. On the one hand Lefkowitz states:

Almost all those who have researched and/or expressed opinions on the matter have concluded that policemen tend to be a conservative conventional group, concerned with maintaining the status quo... It is difficult to believe, although little data exist which bear on the question, that the nature of the role and institution do not result in a significant degree of self-selection and organizational selection in this regard prior to such departmental exposure.⁴

But others argue that police recruits have distinct personality features only to the extent that the social groups from which they come have distinct personality features.⁵ That position is strengthened by findings similar to those of McNamara regarding lower-middle-class backgrounds for police officers in more recent years and in many other departments.

Once selected, the individuals are assimilated into a police culture by formal training, by supervision, and by informal peer socialization. Arguing for the powerful effects of the process, Niederhoffer states:

It seems to me that the above data and conclusions support the notion that police authoritarianism does not come into the force along with the recruits, but rather is inculcated in the men through strenuous

socialization. The police occupational system is geared to manufacture the "take charge guy," and it succeeds in doing so with outstanding efficiency. It is the police system, not the personality of the candidate, that is the more powerful determinant of behavior and ideology.⁶

The concept of "police personality," whether from selection or socialization, usually includes several features in addition to authoritarianism--among them are cynicism, bigotry, conservatism, group loyalty, and secretiveness. Those who assume the existence of a police personality on the basis of constructs of that type often use rather simplistic reasoning in explaining police violence--a person who is authoritarian, cynical, and bigoted according to this view is believed to have a higher probability of violence, especially against members of minority groups.⁷

Balch, among others, argues against that type of explanation, stating, "...the evidence--by its very inconsistency, if nothing else--does not indicate the existence of a police personality, authoritarian or otherwise."⁸ Whether or not one finds it useful to infer the existence of enough structure to qualify as a "police personality," there are indeed certain broad characteristics that are found more consistently among officers than in other occupational groups and that appear derived from the unique role and life experiences of the police officer. As Muir observed:

It is the qualitatively significant moments in life that make a difference, that affect the policeman to the marrow of his bones just as such moments affect anyone deeply. Those significant moments for the

policeman involve power, retaliation, fear, and severe moral stress.⁹

Let us consider two widely reported police traits that seem to stem from the unique role of the police officer, and relate these to the likelihood of violence. The first is sensitivity to status. Westley has discussed the relationship between police authority and power, on the one hand, and the need to maintain respect, on the other hand, by violent means if necessary. He found that responses of police officers to a question regarding the appropriateness of force:

...have in common the feeling that the use of force is called for when the policeman is treated in a derogatory fashion; when he is pushed around, spit at, and made a fool of, called a filthy name."

In addition, he found that:

The presence of an audience seems to be the ultimate incentive to the use of force in one sense. The policeman who is insulted in front of an audience feels that his prestige is really dropping.¹²

The second of the two traits, suspiciousness, stems, according to Skolnick, from danger and fear in encounters with citizens.¹³ He describes the relationship between suspiciousness and the likelihood of violence as follows:

...a young man may suggest that threat of violence to the policeman by his manner of walking or "strutting," the insolence in the demeanor being registered by the policeman as a possible preamble to later attack. Signs vary from area to area, but a youth dressed in a

black leather jacket and motorcycle boots is sure to draw at least a suspicious glance from a policeman.¹⁴

The Citizen

The target of physical force by a police officer is not likely to be an old lady, a teenager at an exclusive boarding school, a minister of an Episcopalian church, or a ballerina. It is most likely to be a black or Hispanic male, between the ages of 16 and 30. Fyfe, for example, found that more than half of the shooting opponents in his relevant data set were under 24 years old, and 81 percent were black or Hispanic.¹⁵

There are obviously many factors that can trigger physical force from a police officer, but two stand out in the research literature, and both are associated with youth and minority group membership. First, there is the issue of actual or perceived threat--danger. As Ferracuti and Newman have reported, "That assaultive crimes, such as homicide, are predominantly crimes of young males from their late teens to their early 30s, is now well established."¹⁶ The same writers report ratios of young black to young white arrest rates for four types of assaultive crime varying from 8:1 to 20:1.¹⁷ Further, Fyfe, in his study of police shootings, found that 61 percent of black opponents--of the officers--carried handguns, rifles, machine guns, or shotguns, compared with 36 percent for white opponents.¹⁸

The relatively high probability of potential violence in such encounters is exacerbated for the police officer by the fact that for many ghetto youths, the policeman has become a symbol of all that is hated and odious. For example, Mulvihill and Tumin observe:

The policeman is a natural and special target of aggression. To "put him down" is to win a victory over the arch-symbol of the oppressive world. No friendly

community helper is he, not in the psychology of the disinherited black youth. He is the symbol of all that is hated because he symbolizes all the hating the youth feels directed against him, and the punishment that will come his way if he is caught in his attacks against the world.¹⁹

Another conspicuous triggering mechanism for police violence is the factor of citizen disrespect mentioned above. Clark and Sykes suggest that one clue to the violent police-citizen encounter may be found in the frequent expectation that the police officer occupies a position of higher status and esteem than the citizen.²⁰ They state:

Officers learn to expect others to acknowledge their status and power, for most citizens extend them compliance and deference... When citizen interaction falls below their standard, they utilize corrective sanctions.²¹

Sykes and Clark similarly observe:

It is our thesis that, in a typical encounter, relations between officers and citizens are governed by an asymmetrical status norm when deference exchange is involved. Such a norm symbolizes some special evaluation of actor, in this case one in which the officer generally has greater social value and influence than the citizen.²²

Clearly, certain members of society, especially the young and the black, as indicated in the preceding quote from Mulvihill and Tumin, are much less likely to be compliant and deferent when confronted by a police officer.

In terms of the initiation of a chain of events leading to police physical force, the issue of "victim precipitation" should be briefly mentioned. Von Hentig originally suggested the concept in terms of his argument against the usual legal assumption "...that the 'doer' is always, and during the whole process which ends in the criminal outcome, active, the 'sufferer' always inactive."²³ Further discussion of the role of the victim in provoking or initiating a violent response may be found in Schultz²⁴ and in the report of Mulvihill and Tumin.²⁵

That is not to imply that all physical force by police officers toward citizens is provoked by violent, or even outrageous, behavior on the part of the citizen--only the milder position that one would normally expect the transaction to include some or substantial, though perhaps unwitting, contribution on the part of the citizen.

As stated previously, the perspective of this analysis considers it essential to include the mutual and interactive roles of police officer and citizen in any interpretation of violence between them. Moreover, the perspective implies that social perceptions of police or citizen characteristics are as important as these characteristics themselves. The belief by police officers, for example, that certain citizens, for example, young blacks, have certain traits may be as important in explaining violent police behavior as are the actual behaviors themselves.

THE ENCOUNTER

A dramatic illustration of the transactional perspective toward police-citizen violent encounters is found in the sequential decision process observed in many encounters that leads to the police's use of deadly force. A police "decision" to use, or not to use, deadly force in a given context

might be better described as a contingent sequence of decisions and resulting behaviors--each increasing or decreasing the probability of an eventual use of deadly force. The officer, who, for example, encounters an armed robber in a store and immediately takes cover while calling for backup support, will greatly alter the probability of the incident resulting in a shooting. In some encounters, these decision points or phases may be collapsed: for example, in an ambush or chance encounter with an armed suspect. Most armed police-citizen encounters, however, may be usefully described in terms of discrete phases.

Violent police-citizen confrontations are usually initiated by a direct observation or a summoning by radio, by another police officer or by a citizen. In response to this initial information, the officer makes preliminary decisions, then confronts the citizen or citizens of concern in the transaction, and finally engages in a direct exchange of information, usually verbal, that leads more or less directly to the violence. For purposes of analysis, it is convenient to think of the transaction in four phases: anticipation, entry, information exchange, and the final decision that leads to an act of violence.

Phase of Anticipation

The police officer usually initiates a confrontation on the basis of a dispatch by radio, or direct observation, or of information from a person--possibly another officer--who needs assistance. The officer reacts emotionally and intellectually to the cues received from whatever the source. The response to a radio call stating that a youngster is having difficulty in retrieving a cat from atop a telephone pole would be expected to be different from the reaction to a call directing a patrol car to a location where "an insane, violent man has a knife."

In addition to the actual content of the initiating information received, the manner in which it is communicated can effect the emotional tone of the officer and his preliminary consideration of alternative possible actions.

Phase of Entry

When the officer enters the immediate physical scene of an encounter he must immediately determine the extent of danger, if any, establish his authority, clarify his expectations for the citizen, and gather information to supplement his general knowledge and the clues he received by radio or from an initiating person. The eventual probability of physical force may be escalated considerably by decisions early in the encounter. For example, in describing an incident where an officer came within a whisper of killing a citizen, Rubinstein writes:

...the patrolman had initially made an error by failing to close the distance between himself and the suspect [he had screamed at the suspect from his car across a deserted street], allowing himself no alternative but to leave or use his gun. If he had charged the man immediately upon suspecting him...the patrolman would have avoided the chance of a more serious incident.²⁶

To illustrate further, an officer who is not careful in establishing authority in an encounter with a minority citizen may exacerbate pre-existing tensions. Sykes and Clark describe the issue as follows:

An entirely unprejudiced officer, in expecting general deference, may be interpreted by a minority civilian as indicating the officer's own ethnic group's

superordination. On the other hand, the minority citizen's refusal to express deference may be viewed by the officer as refusal to acknowledge normal social obligations of all citizens and the officer's symbolic status... Even with the best intentions an officer may become a "racist pig" and the citizen a "wise-ass".²⁷

And the intentions, obviously, are not always optimal.

Phase of Information Exchange

The phase of information exchange may range from the few seconds it takes to shout, "Police, don't move," or "Drop your gun" and get gunfire in return to the hours, days, or weeks necessary in hostage negotiation. In certain encounters, there is immediate transition from entry to a final decision for physical force on the basis of only momentary visual and auditory contextual cues. For example, we find the following in the Los Angeles County District Attorney's report in the well-publicized "good-samaritan" killing:

As [Deputy Jimenez] was jogging toward the rear of the staircase, suddenly and without warning, Mr. Steven Conger emerged from the phone booth behind the stairway. Mr. Conger came out quickly, in a slightly crouched position, empty handed and moving toward Deputy Jimenez. Deputy Jimenez immediately thought Mr. Conger was the suspect they were looking for and that he had been flushed out of hiding by Deputy McHenry. Deputy Jimenez instantly concluded that he was about to be attacked by the assault suspect who was supposed to be armed with a gun.

He did not notice whether Mr. Conger had anything in either hand. In a reflex action, Deputy Jimenez raised his gun and fired one round at the person [Mr. Conger].²⁸

One would have wished that there were even brief information exchange in this case since the killed man, Mr. Conger, had actually come to the aid of the assault victim as a good samaritan and was emerging from a telephone alcove where he had called for police and medical help. On the other hand, it must be kept in mind that equally rapid responses by officers in other cases have saved the lives of officers and bystanders.

Phase of Final Decision

In the ultimate decision to use physical force by a police officer, the admixture of intellectual and emotional factors may vary from the completely rational decision to use a sniper by a special weapons and tactics unit after extended hostage negotiation, to the impulsive reaction shown by Deputy Sheriff Jimenez in the good samaritan killing--minimal rational input in this case is demonstrated further by the fact that the assailant sought was reported to be black while the victim of the shooting was white. In the Conger case, the motivating emotional force was, apparently, fear. Other motivators for the use of physical force could be extreme frustration, outrage, panic, and humiliation. The presence of overpowering emotional elements is particularly likely to accompany a decision to use deadly force. Rubinstein, for example, states, "Most shootings occur suddenly in moments of fear without calculation."²⁹ The following illustration of that type of reaction was described to one of us by a young officer who "came within a hair" of killing an armed man in a wheelchair:

It all started when _____ and I had gone code 7 [stopped for dinner]. A guy came from out of the chicken place and said "There's a guy with a gun in the back of the parking lot." I went through the restaurant while _____ went around the side. I see this guy in a wheelchair with a shotgun. I pulled my revolver out of my holster not sure what to think. My heart is pounding. I tell the guy to drop his gun. He doesn't do anything but slowly turns towards me... Finally he dropped his gun. He was a little snookered, but wasn't going to kill nobody. When I sat down to eat I had to put a napkin over my pants to cover the urine. It was fear!

It should be observed that the "final-frame" situation confronted by the officer is in many ways determined by choices made at earlier decision points. An officer who receives a dispatch which indicates that an opponent is more dangerous than he really is faces a different emotional and objective situation from an officer in a similar situation who receives accurate information. Similarly, positioning behind a protective barrier when physically confronting the opponent and communicating with him might either avert a "final-frame" decision to shoot or alter it substantially. An officer, for example, who discovers, during a prolonged encounter with an opponent, that he is dealing with an acutely psychotic individual--rather than a more instrumental criminal one--will interpret the man's actions quite differently from an officer--confronted with the same individual--who had not made similar observations. It should finally be noted that early decisions by officers may either prolong or curtail each of the four phases. For example, by seeking cover early in

a confrontation, an officer can afford to engage in a more prolonged information exchange with an opponent than another officer without similar protection.

POLICY IMPLICATIONS

The transactional approach to the analysis of violent police-citizen encounters carries a number of policy implications.

One important policy implication relates to the assumption of the dual responsibility of police officers and citizens in producing violent encounters. While continued stress should unquestionably be placed upon the police in attempts to reduce the inappropriate use of deadly force, for example, the transactional perspective raises the potentiality of altering citizen behavior in the effort at such reduction. A community education program informing citizens about police expectations and about typical police responses to citizen threats is an example of an intervention focusing on the way that citizens might communicate with police officers to avoid violent confrontation.

Another policy implication lies in the area of police decision making. Most interventions to reduce deadly force have focused upon the final decision to use or not to use deadly force. The model of sequential decision making in a transaction suggests that interventions to control deadly force might be effectively aimed at officer decisions well prior to the final-frame. One example of such an early phase intervention is found in the implementation of an administrative operational rule requiring police officers to call for specialized backup support upon confronting an armed, but not immediately threatening, opponent.

A final policy implication lies in the importance of understanding all components in the transaction faced by the officer in the process of assessing performance and recommending administrative change. Too often, after-the-fact evaluations and, perhaps, policy decisions are based upon superficial aspects of the encounter or upon data available only after the decision to use physical force has been made. Thus an officer may shoot and kill a burglar emerging from a house when the burglar reaches into his clothing, removes a shiny object, and turns rapidly toward the officer. It may later be determined that the shiny object was a cigarette lighter. Nonetheless, the decision might have been entirely reasonable at the time and the transactional context in which it was made.

Reconstruction of a decision to use physical force, without full realization of the perspective of the officer at decision-making time, is frequently responsible for negative, even violent, community reactions. Consider, by way of illustration, the shooting to death of a man who was 5'9" tall and weighed 158 pounds by a police officer who was 6' tall and weighed 195 pounds, when the man was completely naked and carried nothing in his hands during an early morning encounter on the streets of Los Angeles. Relatives of the slain man demanded criminal action against the police officer and the public seemed convinced that this was another case of ruthless police brutality. But a full reading of the district attorney's investigation, containing testimony of the officer and the few available witnesses, provides a picture of the actual transaction and, at least partially, of the perspective of the officer at the time of decision to shoot. Here are excerpts from the report to illustrate this point.

[The officer, Sergeant Barz] was driving northbound
on Hoover when he observed a male person without clothes

jumping up and down in the middle of London Street close to Hoover...

Barz reported on his radio that the man was also psycho and requested code 2 (without delay) assistance... Barz stated that at about the same time as he had made his second broadcast the man came off the signpost [upon which he had been swinging], ran towards the police vehicle and started banging on the right front passenger window and door of the car with his hands and fists.

...Barz concluded the man was not an exhibitionist, he believed he was "high on something or psycho or something like that." For this reason, Barz "tried to be cool" and asked the man what was going on or words to that effect so as not to antagonize him.

The man advanced towards Barz making "kind of chopping type motions" with both hands, the arms held out horizontally. The naked man stated, "I know Kung Fu" a couple of times.

Barz stepped back as the man kept advancing towards him. After stepping back four feet or so Barz decided to hit him with the baton to try and knock him down or injure his arm... The man grabbed the baton with both hands... They wrestled over the baton... Barz realized he could not take the baton away from the man, "He was just too strong." All he could do was hang on to the baton," and all during this time I saw his eyes and

they were just totally psychopathic type eyes, you know"...

After another ten seconds of wrestling for the baton, Barz decided it was best to let go and step back... The man had Barz' baton in hand when Barz took his gun out. They were at that time perhaps eight to ten feet apart.

Barz assumed a two-handed combat stance and told the man, "Stop or I'll shoot." The man said, "I don't care" or something to that effect and raised the baton over his shoulder. When the man threw the baton at Barz, Barz dodged and it missed by about three or four feet...

Barz backed up, put his gun away and backed toward the police car, keeping an eye on the man. The man followed him with his slashing and chopping-type arm motions...

...When Barz reached the right rear of the police car, having almost made a complete circle, the man stopped at the front door of the passenger side, turned and ran off and was kind of jumping up and down in the middle of the street. Barz said to himself, "Thank God, he's gone."...

All during this time Barz was waiting and hoping for a unit to get there.

The man returned to Barz. When he got to within about 15 feet he started "going through these Kung Fu

motions again with his right hand and left hand." Barz backed up...

...Barz took his gun out; the man continued to advance toward him. Barz held the gun to his side pointing it at the man and told him to stop. The man continued to advance. He struck at Barz. Barz partially evaded the blow so that he was hit by the man's extended forefingers on his left shoulder. This caused Barz to stumble. At the same time the man grabbed for the barrel of his gun. Barz, feeling himself to be falling and believing that his gun would be taken away from him and used against him fired as fast as he could until he heard the click of an empty gun.³⁰

The goal of the illustration is not to justify the ultimate decision of Sgt. Barz, only to emphasize the complexity of many violent encounters and the dangers in evaluations not based upon all elements of the actual transaction. In this case, the decision to use deadly force followed an excruciating series of decisions and interactive behaviors.

As for the transaction itself, one can say, by way of summary, that elements of it were conditioned by the personality of Sgt. Barz, his socialization and training as a member of a police department, his sense of danger in the actual context, his possible feeling of being degraded by Mr. Burkholder, the personality of Mr. Burkholder as modified by a heavy dose of a strong drug, his attitude toward police officers, and the interaction of these and other elements.

We conclude with an observation by Cassius:

Men at some time are masters of their fates;
The fault, dear Brutus, is not in our stars,
But in ourselves, that we are underlings!³¹

FOOTNOTES

1. Los Angeles Times (Orange County Edition), "Off-Duty Officer Kills Bicyclist," 7 June 1980, p. 8.
2. Catherine H. Milton, Jeanne W. Halleck, James Lardner, and Gary L. Abrecht, Police Use of Deadly Force (Police Foundation, 1977); James J. Fyfe, "Shots Fired: An Examination of New York City Police Firearms Discharges" (Ph.D. dissertation, State University of New York at Albany, 1978); and see the article in this issue "Off-Duty Violence."
3. John H. McNamara, "Uncertainties in Police Work: The Relevance of Police Recruits' Backgrounds and Training," in David J. Bordua, ed., The Police Six Sociological Essays (New York: John Wiley, 1967).
4. Joel Lefkowitz, "Psychological Attributes of Policemen: A Review of Research and Opinion," The Journal of Social Issues, vol. 31, no. 1 (Winter 1975), pp. 3-26.
5. See, for example, Joseph D. Matarazzo, Bernadene V. Allen, George Saslow, and Arthur N. Wiens, "Characteristics of Successful Policeman and Fireman Applicants," Journal of Applied Psychology, vol. 48, no. 2 (April 1964), pp. 123-133; David H. Bayley and Harold Mendelsohn, Minorities and the Police: Confrontation in America (New York: The Free Press, 1969); Arthur Niederhoffer, Behind the Shield: The Police in Urban Society (Garden City, NY: Anchor Books edition, Doubleday, 1969); William K. Muir, Jr., Police, Streetcorner Politicians (Chicago: The University of Chicago Press, 1977).
6. Niederhoffer, Behind the Shield: The Police in Urban Society, p. 160.
7. See, for example, Algernon D. Black, The People and the Police (New York: McGraw-Hill, 1968) and Paul Chevigny, Police Power: Police in New York City (New York: Pantheon Books, 1969).

8. Robert W. Balch, "The Police Personality: Fact or Fiction?" Journal of Criminal Law, Criminology and Police Science, vol. 63, no. 1 (March 1972), p. 110.
9. William K. Muir, Jr., "The Development of Policemen," in Jack Goldsmith and Sharon S. Goldsmith, eds., The Police Community (Pacific Palisades, CA: Palisades Publishers, 1974).
10. William A. Westley, Violence and the Police: A Sociological Study of Law, Custom, and Morality (Cambridge, MA: The MIT Press, 1970).
11. Ibid, p. 126.
12. Ibid, p. 127.
13. Jerome H. Skolnick, Justice Without Trail: Law Enforcement in Democratic Society (New York: John Wiley, 1960).
14. Ibid, pp. 46,47.
15. Fyfe, "Shots Fired: An Examination of New York City Police Firearms Discharges."
16. Franco Ferracuti and Graeme Newman, "Assaultive Offenses, " in Daniel Glaser, ed., Handbook of Criminology (Chicago: Rand McNally, 1974), p. 180.
17. Ibid, p. 183.
18. Fyfe, "Shots Fired: An Examination of New York City Police Firearms Discharges."
19. Donald J. Mulvihill and Melvin M. Tumin, Crimes of Violence, vol. 12 (Washington, D.C.: U.S. Government Printing Office, 1969), p. 511.
20. John P. Clark and Richard E. Sykes, "Some Determinants of Poice Organization and Practice in a modern Industrial Democracy," in Daniel Glaser, ed., Handbook of Criminology (Chicago: Rand McNally, 1974).
21. Ibid, p. 477.

22. Richard E. Sykes and John P. Clark, "Deference Exchange in Police-Civilian Encounters," in Richard J. Lundman ed., Police Behavior: A Sociological Perspective. (New York: Oxford University Press, 1980), p. 93.
23. Hans von Hentig, The Criminal and His Victim: Studies in the Sociobiology of Crime (New Haven, CT: Yale University Press, 1948), p. 419.
24. Leroy G. Schultz, "The Victim-Offender Relationship," Crime and Delinquency vol. 14, no. 2 (April 1968), pp. 135-141.
25. Mulvihill and Tumin, Crimes of Violence.
26. Jonathan Rubinstein, City Police (New York: Farrar, Straus and Giroux, 1973), p. 304.
27. Sykes and Clark, "Deference Exchange in Police-Civilian Encounters," p. 95.
28. "In the Matter of Steven Conger," Los Angeles County District Attorney's Final Report, March 13, 1979, p. 330.
29. Rubinstein, City Police, p. 330.
30. "Summary of Investigation and Findings of the Ronald Keith Burkholder Investigation," Los Angeles County District Attorney's Office, April 6, 1978, pp. 3-5.
31. The Tragedy of Julius Caesar, act 1, sc. 1, lines 138-40.

CHAPTER TWO

DEADLY FORCE IN LAW ENFORCEMENT

Crime & Delinquency, January, 1982

Recent stories appearing in newspapers from cities like Los Angeles, Columbus, Oakland, and Birmingham make it abundantly clear that fatal police shootings have ramifications that extend far beyond the usual concern for fatalities. The justification for taking a human life is presented in historical, philosophical, and legal terms, with particular attention to current codes and recent court decisions that simultaneously justify and control police shootings. Various issues of control are further highlighted in discussions of the dilemma inherent in administrative (departmental) regulation of shooting, given the complex decision process leading to a shooting incident. To illustrate the status of empirical knowledge regarding police shooting, the incidence of fatalities among blacks is analyzed. The analysis leads to the conclusion that the high mortality rate of blacks in police shootings seems to result primarily from community characteristics, such as the high general rate of violence in the inner cities, rather than from a tendency among police to treat blacks and whites differently solely because of race. But, overall, the data available for decision making are slim, and the need for research is great.

A front-page headline of the Los Angeles Times of October 15, 1979, summarized a change in policy that resulted from months of tension between, on the one hand, the Los Angeles Police Department (particularly its chief), and, on the other hand, the black community and the Los Angeles Police Commission. The headline stated, "City Police Commission No Longer Rubber Stamp." The tension and ultimate policy change stemmed from the shooting of Mrs. Eulia Love, a 38-year-old black woman, by two Los Angeles police officers on January 3, 1979. The officers had responded to a request for assistance from bill collectors who had been repeatedly threatened (and actually attacked in an earlier incident) by Mrs. Love. The officers encountered her directly

in front of her house holding an 11-inch boning knife; they approached her with drawn guns. About two and one-half minutes later, after a series of pleas, orders, and threats, followed by a throwing of the knife, the officers fired a total of 12 rounds in rapid-fire sequence, hitting Mrs. Love eight times and killing her.¹

On October 9, 1979, a new mayor was elected in Birmingham, Alabama-- Richard Arrington, the first black mayor in that city's history. Dr. Arrington became mayor in the aftermath of the shooting of a 20-year-old black woman by a police officer three and one-half months earlier. In this case, two officers responded on June 22 to an alarm from a 7-11 store where an employee had been wounded by gun fire from the rifle of an irate customer. That customer fled from the vicinity of the store following his shots and then shouted back from across the street for help in retrieving his car, which remained too close to the store for a comfortable return on his part. Miss Bonita Carter, who had stopped with a friend at the 7-11, responded to the customer's shouted request and started driving the car. The two police officers arrived at the scene about that time. Miss Carter stopped the car in response to demands to do so and, in apparent terror, ducked down in the front seat. When one of the officers came near the car, she rapidly and unexpectedly (according to the officer) popped her head up; the officer fired four shots at her. She died within a few hours.

In both cases, outrage was expressed in the minority communities. It remained scattered and diffuse in Los Angeles, but reached an immediate emotional pitch in Birmingham that remained intense up to the election of Mayor Arrington. Let us review some of those developments in Birmingham.

In the weeks following the shooting in Birmingham, blacks picketed 7-11 stores, engaged in potentially explosive confrontations with the police,

conducted the largest civil rights march since 1963, and threatened to boycott downtown businesses. The immediate trigger for the chain of events was, of course, the shock at the killing of an innocent 20-year-old woman, but continuing irritation stemmed from the decision by the mayor not to dismiss the officer who had fired the fatal shots.

The mayor in office at the time of the shooting, David Vann, had been elected with strong black support because of his previous work on behalf of black civil rights as well as his general advocacy of positions favored by blacks. The whole sequence of events cost Mayor Vann his widespread support in the black community. To illustrate that the change of mayors related more to the event than to the substance of Vann's position, we have the following note from the Birmingham Post Herald of October 31, 1979:

The biggest change at City Hall...may be the mayor's skin color. Arrington has been a faithful supporter of Vann's programs and policies though he broke with the incumbent mayor over his handling of the Bonita Carter shooting.

Observers expect Arrington, with his background in administration, to be geared toward refining and improving the many programs Vann started during his four-year term.

It is clear, then, that the shooting of a citizen, particularly a minority citizen, by a police officer can have dramatic repercussions in the public domain. And consider that nationally, in a typical year of the late 1960s and early 1970s, there were at least 300--and perhaps as many as 600--citizens killed by the police.² In other terms, those figures mean that

between two and four percent of all homicides each year resulted from police shootings. Moreover, about 50 percent of all such persons killed were blacks.

The perturbations at the local level have created alarm and reaction at the federal level, leading to special conferences, task forces, workshops, and a variety of other events and activities. For example, (1) early in 1978, the Community Relations Service (CRS) of the Department of Justice established a task force on the police use of deadly force; (2) later in 1978, the Law Enforcement Assistance Administration (LEAA) of the Department of Justice created a task force on minority matters, which dedicated much of its time to planning research on deadly force; (3) CRS held a workshop on police use of deadly force at the June 1978 convention of the National Organization of Black Law Enforcement Executives³; (4) in October 1978, LEAA conducted a workshop on the topic of deadly force and its racial implications; (5) CRS conducted a workshop on deadly force in October 1978, at the annual conference of the National Association of Human Rights Workers⁴; (6) the U.S. Commission on Civil Rights conducted a "consultation" in December 1978 on police practices and the preservation of civil rights⁵; and (7) CRS, with the cooperation of the National Urban League and the League of United Latin American Citizens, and with funding provided by LEAA, sponsored a meeting in December 1979, entitled "National Consultation on Safety and Force: An Opportunity for Police-Minority Community Cooperation."

The anger on the streets of cities like Los Angeles and Birmingham has its counterpart in statements by national figures. For example, in his address before the National Consultation in December 1979, Vernon Jordan stated,

I think we should begin by underlining the seriousness of the problem of deadly force. It can be portrayed

most graphically by this audience becoming aware of one grim, sad fact. While we meet here today, some police officer somewhere in America is shooting a civilian.

And if today's case is typical, that civilian will be a black or a Hispanic person. If that incident follows the averages, it is likely the victim is a young person. It is likely that the incident involved a non-felony offense. It is possible the victim was unarmed. It is probable that the shooting could have been avoided.

And it is certain that no punitive action will be taken against the policeman doing the shooting.⁶

At the consultation sponsored by the Commission on Civil Rights in 1978, Takagi accounted for the use of deadly force by the police on the basis of systematic subjugation of minority citizens, and concluded, "...in the final analysis, the role of the police in contemporary America is dominance, repression, and violence."⁷

Before turning to such policy issues as control of the use of deadly force and dealing with the frictions created by inappropriate shootings, we will consider some of the historical origins of the right of police to kill, and its current status.

PHILOSOPHICAL AND HISTORICAL PERSPECTIVES

Police policy often involves important moral questions, and police shooting involves perhaps the most difficult of moral questions--when does one have the right to take another human life?

Although we value life very highly in Western culture, there are many instances when killing is considered excusable, justifiable, or necessary.

Indeed, one need only proceed to the chapter of the Bible following the commandment "Thou shalt not kill"⁸ to find several statements that call for killing other people--even on trivial grounds ("And he that curseth his father, or his mother, shall surely be put to death"⁹).

In modern society, there are killings that are accepted as justifiable by every legal system--when, for example, it is necessary to take the life of an assailant in order to save one's own life. Yet there are many areas in which there is wide disagreement regarding justification. Among these are euthanasia, abortion, capital punishment, the denial of life-saving mechanical devices for certain type of patients, and the use of deadly force by police officers to stop fleeing felons.

Kadish was unable to find a single general principle (like the sanctity of life) encompassing rules and practices that permit, justify, or require actions that may cause the death of another person. Using the criminal law as a reflection of evolved social attitudes regarding killing, he formulates a set of patterns and specific principles that govern the acceptability of behaviors designed to take human life. These focus primarily upon the moral right to resist aggression, extended by the principles of autonomy and proportionality. As Kadish expresses the interaction of forces,

One predominant and persistent theme is the conception of the rightness of actions--rightness measured not by what most effectively preserves lives or by what best serves the social interest of all, but by what a person may claim as his due equally with all other persons. The right, in this sense, to resist aggression, embracing the liberty to use defensive force and the right to the law's protection against

aggression, from which the liberty derives, plays a central role in explaining the shape of the law. When the victim must take the life of one threatening his own in order to survive, his action is justifiable, whether the persons he must kill are one or many, guilty or innocent, so long as they are part of the threat. But other principles of right manifest themselves in other situations where life is at stake. Where interests other than the victim's life (or interests closely identified with it) are threatened, two competing principles affect his right to kill: the principle of autonomy, which would extend the right to resist aggression to all threats to the personality of the victim, and the principle of proportionality, which would draw the line at preservation of life and closely identified interests. Neither principle governs entirely in the law.

But explanations in terms of rights and principles fail to account for the whole shape of the law. Another force is at work, manifesting a very different notion of right: rightness in the sense of the desirable consequence of an action--whether it will serve or disserve prevailing estimates of social goods other than saving lives. This competing standard, turning solely on evaluation of consequences, is manifested in the lesser-evil doctrine.¹⁰

The legal right of police officers to use deadly force stems from specific statutes directed at enforcers of the law as well as general statutes covering justification appropriate for all citizens. And officers are subject to the usual penalties associated with criminal prosecution and civil liability when their actions exceed legal boundaries.

English common law provides the point of departure for any understanding of legal justification for (and control of) the use of deadly force in law enforcement. Under common law, an arresting officer could use deadly force to prevent the escape of a fleeing felon--but not a fleeing misdemeanor.¹¹ The justification rule was based on the condition (established in roughly the fifteenth century) that felonies were punishable by death. The felonies were arson, murder, manslaughter, rape, robbery, burglary, mayhem, sodomy, prison break, larceny, and rescue of a felon.

The rule was introduced in America when common law was incorporated in state statutes. And the justification remained in state statutes even when, beginning in the latter half of the nineteenth century, there was an increase in the number of crimes defined as felonies and a decrease in the use of the death penalty. Indeed, it remained even after several states eliminated capital punishment during the nineteenth century.

CURRENT MECHANISMS FOR THE CONTROL OF DEADLY FORCE

Statutory Law

As of 1976, 24 states had justification statutes directly reflecting the common-law rule, and seven other states had statutes allowing deadly force only when there was violence or the danger of violence.¹² An example of codification of the felony rule of common law is contained in Section 196 of the California Penal Code, which dates from 1872:

Justifiable Homicide by Public Officers. Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either:

1. In obedience to any judgment of a competent court; or,
2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or,
3. When necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest.

An example of the departure from common law to restrict deadly force to situations in which there is violence or the threat of violence is in the Illinois statute:

Peace Officer's Use of Force in Making Arrest. (a) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely

to cause death or greatly bodily harm only when he reasonably believes both that:

1. Such force is necessary to prevent the arrest from being defeated by resistance or escape; and
2. The person to be arrested has committed or attempted a forcible felony or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

(b) A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid.¹³

It should be pointed out that such justification statutes as the preceding augment the general rights of police officers as citizens. Thus, the circumstances under which homicide by any person is justifiable is given in Section 197 of the California Penal Code:

Homicide is also justifiable when committed by any person in any of the following cases:

1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,
2. When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and

endeavors, in a violent, riotous, or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; or,

3. When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or,

4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

In 1962, the American Law Institute drafted a Model Penal Code that contained recommended statutes on justification for the use of deadly force. The recommendation attempted to balance the social right to protection from harm with the high value of human life without the common-law emphasis upon a felony-misdemeanor distinction. It proposed that the use of deadly force be justifiable only where there is reasonable belief that (1) the crime leading to the arrest included the use or threatened use of deadly force, or (2) the person being arrested will, with substantial risk, cause death or serious

bodily harm if apprehension is not completed. As of 1976, seven states had statutes with justification phrasing based upon the Model Penal Code.¹⁴

Case Law

There have been two principal areas in which the courts have taken positions in the implementation of state codes dealing with deadly force: ameliorative interpretation and constitutionality. The first of these is illustrated in a series of case decisions in California,¹⁵ which have ruled that the references in Penal Code sections 196 and 197 to felonies mean violent felonies.¹⁶ As stated in Kortum v. Alkire,

Thus it appears, from the foregoing authorities, that the applicable sections of the California Penal Code, as constructed by the courts of this state, prohibit the use of deadly force by anyone, including a police officer, against a fleeing felony suspect unless the felony is of a violent variety, i.e., a forcible and atrocious one which threatens death or serious bodily harm, or there are other circumstances which reasonably create a fear of death or serious bodily harm to the officer or to another.¹⁷

There is, thus, amelioration¹⁸ in court interpretation that converts a common-law/fleeing-felon statute into one that is similar in form to the recommendation in the Model Penal Code.

The constitutionality of such statutes has been challenged on each of the following grounds: (1) They permit cruel and unusual punishment in violation of the Eight Amendment; (2) they are overbroad; (3) they violate the due process requirement of the Fourteenth Amendment because the imposition

of death by an officer denies to the suspect procedural rights, namely, presumption of innocence and trial by jury; (4) they violate the equal protection clause of the Fourteenth Amendment in allowing deadly force against felons but not misdemeanants; and (5) they violate the fourth Amendment's prohibition against unreasonable searches and seizures. These claims of unconstitutionality have been widely rejected in federal courts. Thus, in Cunningham v. Ellington the U.S. District Court (W.D. Tennessee) stated,

The Eighth Amendment was adopted, as it says, to prevent inhuman or tortuous punishment, and the short answer to plaintiffs' contention [that Tennessee's common-law statute on deadly force is unconstitutional in permitting cruel and unusual punishment] is that we simply are not dealing with punishment.¹⁹

The U.S. District Court (E.D. Missouri) in Mattis v. Schnarr argued on the question of equal protection with respect to the Missouri common-law statute:

The activity herein is not constitutionally protected; there is no constitutional right to flee to prevent arrest. The burden the statutes impose is on flight, not on life....

Perfect statutes are difficult, if not impossible, to draft. To choose among the various imperfect alternatives is a duty delegated to the legislatures and not to the judiciary, unless the alternative chosen be so imperfect as to violate constitutional principles... These statutes do not violate the equal protection

clause of the Fourteenth Amendment of the United States Constitution.²⁰

In Wiley v. Memphis Police Department, the Sixth Circuit Court of Appeals acknowledged that the constitutionality of the state's common-law statute had previously been upheld, and stated,

...How can a police officer even know, reasonably or otherwise, whether the felon will use force against others if he is not immediately apprehended? It is clearly the prerogative of the state legislature to decide whether such restrictions on the use of force are consonant with public policy.²¹

Other decisions that rejected claims of unconstitutionality are Beech v. Melancon²² and Jones v. Marshall.²³

On the other hand, the Eighth Circuit Court of Appeals, on appeal of the Mattis decision of the district court ruled, in a four-to-three decision, that the Missouri common-law statute was unconstitutional using Fifth, Eighth, and Fourteenth Amendment arguments. In the words of the majority, "...it is not for this Court to decide whether the Missouri statutes are wise or not. The sole question before the Court is whether the statutes are unconstitutional. We hold they are."²⁴

But the court goes on to argue that the statutes would be considered constitutional if they limited deadly force to situations where the felon had used deadly force in the crime or the officer reasonably believed the felon would direct deadly force against another person if not apprehended.

That seems to be the only decision to date holding a common-law/fleeing-felon statute (without violence or deadly force accompaniments) to be unconstitutional. And the Eighth Circuit court decision on the issue is in

direct conflict with that of the Sixth Circuit Court; the U.S. Supreme Court has declined resolution of the conflict.

Administrative Regulation

As far back as 1964, a survey of cities with populations above 250,000 found that 42 of 45 responding cities had special departmental policy statements--rules, regulations, procedures--on the use of deadly force.²⁵ Initially, these policy statements were written primarily to provide more guidance for the officer than was offered in state statutes (even as augmented by court decisions). As Uelmen has pointed out in referring to the state of affairs in California.

...some administrative guidelines in the form of police "policy" are required to assist the police officer. The bare skeleton of the Penal code provisions offers no guidance as to which felonies should be regarded as sufficiently dangerous to justify resorting to deadly force to prevent their commission or to capture the perpetrator. Nor do the statutes suggest the use of non-deadly force if the felon is a juvenile or is known to be intoxicated or otherwise incapacitated. Such guidelines must come from police administrators.²⁶

But, as strong community reaction to perceived police misconduct became more common, departmental administrative regulation was used as a component in the attempt to assuage that reaction. Thus, General Order 1-78-Firearms Discharge Policy of the Birmingham Police Department was revised on August 24, 1979,²⁷ and a brochure entitled Policy Guidelines--the Use of

Deadly Force was issued by the department in September 1979 (Bonita Carter was shot in June 1979).

Clearly, an administrative rule, like any other rule, regulation, or law, has power to control only if there are adequate sanctions and procedures to deal with violations. In the case of the response to the Eulia Love shooting, the Los Angeles Police Commission stated,

The commission has reviewed the Department's policy on the use of firearms and finds that there are no inadequacies in that policy which contributed to the shooting of Eulia Love. On the contrary, if properly implemented, the policy provides sufficient safeguards against such a shooting. The Commission has concluded that further revision of the policy is not necessary at this time. The present Department policy is appropriately more restrictive than the requirements imposed by state law.²⁸

On the other hand, in regard to postshooting procedures, the report stated,

We do not believe the present procedures ensure a thorough impartial review of officer-involved shootings and death or serious injury cases in the manner contemplated by the City Charter; nor do we believe that there can or will be full public confidence in the results unless procedures are changed....

In this Section of our Report we set forth a procedure for investigating and adjudicating officer-involved shootings and death or serious injury cases which we

believe ensures fair and just decisions and which, if implemented properly, will, over a period of time, earn the confidence of both the officers of this Department and the members of the public. That procedure will, as the City Charter contemplates, ensure civilian supervision and control over the operations of the Los Angeles Police Department in a critical area of public concern.²⁹

The following are principal features of the new procedure: assumption by the commission of responsibility for the adjudication of all shooting incidents; independent review by the commission if it feels that action is warranted after evaluating the report containing findings and recommendations of the chief of police; use of a special counsel or special hearing officer (a former superior court judge) to conduct necessary further investigations; taping interviews with officers in the same manner as interviews with civilian witnesses; establishment of a Use of Force Review Board (an expansion of the former Shooting Review Board); and employment of an independent staff to assist the commission in carrying out the procedures.

The use of administrative policy to control deadly force has become a good deal more controversial since the decision of the Supreme Court of California in Peterson v. City of Long Beach, which reversed a trial court decision and vacated an appeals decision.³⁰ The court ruled that statements in a police department manual were "regulations" within the meaning of a code, stipulating that a person is presumed to have failed to exercise due care when he or she violates the regulation of a public entity, and death or injury results. In short, departmental policy became statutory for purposes of civil suit since violation showed negligence on the part of the officer.

As a result, there has been serious discussion in California police departments, motivated in many cases by advice from city attorneys and other legal advisors, about the desirability of deleting all departmental regulations that are more restrictive than the mandates of the state Penal Code and the Kortum ruling.

In the final analysis, however, whether or not a given encounter results in a shooting depends upon the decision making of the individual officer. That officer is the performing interpreter of laws and regulations as they interact with situational and personal factors.

DECISION MAKING BY THE POLICE WHEN DEADLY FORCE IS POSSIBLE

In conceptualizing the decision by police officers to use deadly force, two considerations should be kept in mind: first, the distinction between a reasonable and a correct decision; and second, that the final decision to shoot (or not to shoot) is the endpoint of a series of decisions, usually with fewer and fewer alternatives as the process progresses toward ultimate confrontation.

A decision to shoot or refrain from shooting is judged as correct (right) or incorrect (wrong) on the basis of its outcome, while that decision is judged as reasonable or unreasonable on the basis of the information available to the officer at the time of decision making. To illustrate the distinction, suppose an officer on a burglary call directs a suspect to stop in a dark alley behind the house. The suspect stops and turns around suddenly, reaches into a breast pocket and withdraws something that looks very much like a gun. The officer shoots and kills the suspect. Assuming the literal accuracy of the preceding description, the decision to shoot would be considered reasonable.

If the item withdrawn had indeed been a gun, the decision to shoot would also be correct. But suppose it was a cigarette lighter and, furthermore, that the suspect had no weapon of any sort. The decision here would obviously be incorrect (he was not even fleeing).

As apparent as that distinction may seem, it is often missed even by sources of authority in the field. For example, in a training film on survival techniques for police officers entitled "Shoot/Don't Shoot," one situation depicts an officer approaching a man on a motorcycle. The man remains seated on the motorcycle making no apparent motion during the approach. Suddenly, the man shoots the officer using a concealed gun, without any cues indicating that possibility. The commentator on the sound track states that the officer erred in not using deadly force. This comment is based on the outcome, not on cues available at the time of decision making enabling the officer to infer that deadly force was a reasonable choice.

The difficulty, for persons who are emotionally involved in a given situation, of accepting the distinction between reasonable and right decisions is shown in the following report from the Los Angeles Times of February 23, 1980:

The Los Angeles County district attorney's office said Friday that no charges will be filed against two sheriff's deputies who fatally shot an inebriated East Los Angeles man when they thought he was reaching for a gun.

When Luis J. Reynoso, 50, was killed last August 4, the Sheriff's Department emphasized that he was carrying a toy pistol that bore a striking resemblance to a real hand-gun....

The report concluded that because the deputies had been told to find a man who was possibly armed, and that because the man had a bulge in the waist of his trousers and apparently made a movement toward that bulge, the deputies acted reasonably under the circumstances....

"It's kind of sad they won't be charged because what they did was a crime," Sal Reynoso, 20, the dead man's son, said Friday....

Gil Garcetti, head of the prosecution's special investigations unit, said the facts that the toy gun was found near the body and that the two witnesses, including a third deputy, say they saw Reynoso draw the toy gun indicated the deputies acted reasonably under the circumstances.

The importance of conceiving of the choice to use deadly force (or to refrain from using it) as the final point in a sequential decision process is highlighted in the Eulia Love case, where ultimate options for the officers were restricted by early decisions. The Board of Police Commissioners stated in their report,

By displaying their guns immediately, the officers severely limited their alternatives. It would not be reasonable to believe that Mrs. Love could be calmed by the approach of two officers with drawn guns. Thus, the first result of the officers' action was, predictably, an immediate escalation of the situation.

The effective use of baton strikes, the preferred technique, was eliminated as the events proved. The officer who used the baton to knock the knife out of Mrs. Love's hand was unable to retrieve it because he had a gun in one hand and a baton in the other. Thus, the decision to draw guns immediately meant that, if the display of force was not sufficient, the use of deadly force would be required.

Once the stage for the use of force was set, the officers continued to escalate the situation by their actions. By advancing on Mrs. Love as she attempted to retreat, they put themselves in a situation of increased danger.³¹

Perhaps the most dramatic demonstration of the dependence of subsequent decisions upon earlier ones in a deadly force context came from a police officer who was a member of a panel discussing appropriate use of police weapons. When asked how he would approach an unlighted building at night when he was alone and a burglar was reported to be on the premises, he said, "I wouldn't approach it, I would get my tail out of there."

Certain policy implications follow from the preceding emphasis upon the "shooting decision" as a series of contingent decisions, with the accompanying distinction between reasonableness and correctness in the final frame. One such implication involves understanding and, perhaps, eventual control of community reactions to certain police shootings. Community analysis, in contrast to legal analysis, focuses upon the outcome--like the tragic shooting of a 14-year-old, unarmed, completely innocent boy--rather than upon the data available to an officer at the time of decision making. And, of course,

sanctioning of an officer must be based on the reasonableness of the final decision, not on what is eventually learned, a difference that provides one more source of friction.

Another implication pertains to the distinction between tactical and legal errors in police shootings. As noted in the above quote, the commission believed that the officers in the Eulia Love case made certain tactical errors in the two and one-half minutes immediately before the shooting. Their decision to shoot Eulia Love, however, was considered legally justified by the Shooting review Board given the strategic realities at the instant of shooting. But it is clear that tactical errors in the sequential decision process do commonly reduce the alternatives available to the officer at the final frame--perhaps, in fact, reduce them to a state of affairs where one side or the other will necessarily be killed. The path toward amelioration would seem to lie in police training, a realm too vast for discussion in this context.

THE STATE OF KNOWLEDGE: BASES FOR POLICY DECISIONS

One of the clichés among policymakers in regard to the knowledge available for relevant decisions is, "There are more questions than answers." If ever there were a case for the unique appropriateness of that cliché, it would be in the police use of deadly force.

How many people are killed each year by police weapons? How reasonable is that number considering the balance of risks? What are the actual gains and losses to society in moving from a common-law statute to one based upon the Model Penal Code? What is the relationship between the shooting rate in a given department and such factors as administrative style in the department, community ethnographic characteristics, personal attitudes of the chief of

police, the form of deadly force statutes and case law, the power the the police association, the investigative procedure following deadly force incidents and internal sanctions imposed, the forcefulness of the prosecuting attorney in initiating criminal action, the likelihood of effectiveness of civil suits, community sensitivity (particularly minority community) to the killing of innocent or apparently innocent people (even though the killing may be reasonable)? Are a relatively high proportion of police victims blacks because they are black or because of the intrusion of extraneous variables? If a restrictive administrative regulation, accompanied by certain sanctions where appropriate, does lead to a marked reduction in the use of deadly force (as seems likely), does the community pay a price in some form, such as increases in other deaths and in general crime rates? What are the respective roles of police personalities and police training in effective decision making with regard to use of deadly force? What is the effect upon the use of deadly force of the type of bullet used in a department?

At the present time, we are a long way from answering such questions. Although the police use of force has been the subject of considerable empirical work over the years, the type of force studied has been primarily nonlethal force. And the studies directed at deadly force show, with few exceptions, major flaws in their designs that limit their inferential potential for the development of even primitive theory. Thus, in his recent review of the literature, Fyfe found that almost all studies of the police use of deadly force included only fatal shootings. He states,

Although these reports provide valuable information upon the loss of life resulting from police firearms discharges, research which focuses solely upon incidents in which police bullets actually struck and

killed the individual for whom they were intended cannot be described as having comprehensively examined either police firearms discharges or the consequences of arming the police with the means of employing deadly force.

Indeed, the omission of non-fatal shootings from the research...also severely limits the accuracy of its description of police uses of deadly force.³²

To illustrate Fyfe's point most dramatically, a finding that there were few fatal shootings by the officers in a given department might seem to indicate a low rate of police use of weapons, when it actually resulted from the officers' poor marksmanship.

But there surely has been a good deal of heated argument filling the void in scientific knowledge about police shootings. We have, of course, the presentations at the various conferences mentioned earlier in this paper. In a highly emotional article, Takagi poses the following question: "Why are Black people killed by the police at a rate nine to ten times higher than whites? We can describe the manifestations of racism but cannot adequately explain it."³³ He then offers a partial answer:

Historically, people of color came to the United States not as free persons, but as slaves, indentured servants, and as contract laborers. They were initially welcomed under these conditions. As these particular systems of exploitation gradually disappeared and the people entered the competitive labor market, a variety of devices were employed to continue oppressing them, including imprisonment. In the present period described

by some as the post-industrial era, increasing numbers of people, and especially black people, find themselves in the ranks of the unemployed, which establishment economists, fixing upon the five percent unemployment figure, dismiss as a regular feature of our political economy....When arrest and prison commitment data on black people are viewed from this perspective, especially the sudden increase in prison commitments from a stable rate of 10 percent up to and during the early period of World War II to almost double that after the war, there is some basis to suspect that *the police killing of black citizens is punishment to control a surplus labor population.* (italics added).³⁴

Since the actual hard and reliable data available are scant and since Fyfe, and Sulton and Cooper both³⁵ have written good summaries of completed reserach, it seems best to illustrate the state of knowledge on police use of deadly force by looking at a specific and important problem. Why are blacks killed by police at an apparently disproportionate rate?

In their study of seven cities, Milton, et al., found that 79 percent of police shooting victims were black, although only 39 percent of the population over the seven cities was black.³⁶ Similarly, Harding and Fahey found that 75 percent of persons killed by the police were black in a city that was 33 percent black,³⁷ Burnham found that 59 percent of those killed by police were black in a population that was 19 percent black,³⁸ and Fyfe found 60 percent of the opponents of police in firearm discharges were black in a city population that was 20 percent black.³⁹ Robin studied fatalities in one city (Philadelphia) by direct record search and interviews,

and in nine other cities by mailed questionnaire. In Philadelphia, he found that 88 percent of the victims of police shootings were black in a population that was 22 percent black; over the nine other cities he found that 62 percent of the decedents were black, but did not report racial proportions.⁴⁰ Finally, Meyer,⁴¹ studying police shootings in a major city, found that over the years 1974-78, 55 percent of the shootings were at blacks, and in 1979, 45 percent were at blacks. About 18 percent of the city's population was black during that period. Thus, the black victimization rate in a given population appears to be between two and four times the proportion of blacks in that population. Although this is not the ratio of "nine to ten times" reported by Takagi, it obviously does represent a substantial disproportionality.

But is population a good basis for this type of comparison? Police as a general rule do not shoot college professors (white or black), physicians (white or black), infants (white or black), shopkeepers (white or black), and so on. It would seem that one needs a base for comparison indicating relative exposure to situations that potentially precipitate shooting incidents. A move in that direction would be arrest rates, particularly for violent crimes.

Thus, over their seven cities, Milton et al., found that 73 percent of those persons arrested for index crimes were blacks, which is not far from their 79 percent black victimization rate. Similarly, Harding and Fahey found 73 percent of the arrests for violent or potentially violent crimes⁴² were blacks; their victimization rate for blacks in police shootings is 75 percent. Burnham found that the arrest rate of blacks for violent felonies was 62 percent⁴³--the comparison victimization is 59 percent; and Fyfe used Burnham arrest data for his analysis (which compares the 62 percent arrest

rate with a deadly force opponent rate of 60 percent). Robin did not report overall arrest rates. Meyer⁴⁴ reported the following arrest rates of blacks for index crimes: 46 percent over 1974-78 and 44 percent in 1979. The comparison shooting rates were 55 percent and 45 percent, respectively.

In summary, then, if one compares victimization rates with arrest rates for blacks, one comes up with remarkably close numbers: The average percentages over the studies (unweighted and crude) are 62 percent and 60 percent. But, one might argue against using arrest rates (even arrest rates for violent crimes) on the grounds that the differences in arrest rates between whites and blacks may be just another example of harassment of blacks by the police.

Consider, then, the following data. Fyfe cross-tabulated race of the opponent in a police shooting (whether hit or not) with type of weapon used by the opponent. He found that 61 percent of black opponents carried handguns, rifles, machine guns, or shotguns, while only 36 percent of the white opponents did so. On the other hand, only eight percent of blacks were involved in shooting incidents where there was neither a weapon nor an assault on an officer; the comparable figure for whites is 36 percent.⁴⁵

Similarly, Meyer⁴⁶ found a higher proportion of black opponents than white opponents to carry guns, but the difference was much narrower: 54 percent versus 49 percent. But note the following observations:

...a total of 19 officers who discharged their weapons were shot--that is, hit--by suspects' bullets from 1974-78. Thirty-seven percent--seven--of the suspects involved in these shootings were black, 37 percent--seven--were Hispanic, and 26 percent--five--were white.

were shot fatally. Four blacks and one Hispanic were apprehended in connection with these shootings; the descent of the person responsible for one of the officer fatalities is unknown.⁴⁷

A related analysis is found in the report of Blumberg.⁴⁸ Using data from two police departments, he studied the characteristics of precipitating incidents in which blacks and whites were shot and the intensity of police responses to the incidents. To illustrate the mode of analysis, if officers were found to shoot at blacks under conditions presenting less danger to the officers than the conditions in incidents involving white opponents, one would have a basis for concluding that there was discrimination. Likewise, if police responses to blacks in shooting episodes were greater than their responses to whites (e.g., there were more bullets expended or more officers shooting at black opponents), again one would have a basis for the conclusion of discrimination.

Using his findings of a close similarity of precipitating circumstances and police responses in black and white shootings, together with the earlier reports of the disproportionately high involvement of blacks in violent crimes, Blumberg argued against an explanation linked to discrimination; on the basis of the overall evidence now available, he states, "The burden with respect to proving race discrimination by the police in these cities rests with those who make this claim."⁴⁹

To summarize other perspectives that follow from detailed analyses of shooting incidents, including type of crime preceding incident, behavior of opponent at time of confrontation, and nature of police-victim interaction, here are several quotes reflecting the inferences of relevant investigators:

The large number of negro justifiable homicides in Philadelphia subjects, both absolutely and relatively, might be interpreted as an indication of racial discrimination by the police. Such an inference, however, would be unwarranted.

...A close examination of the 32 cases indicates that, with few exceptions, the officers who took the criminals' lives acted as any "reasonable man" in their position would have. In many cases the officers exercised considerable restraint in delaying the use of fatal force as long as they did.⁵⁰

More specifically, we must face the issue of whether police use of deadly force is simply another aspect of the race problem. It is submitted that killings by police are not an independent aspect of a societal race problem, and that any strategy planned for improvement which is based on the view of police killings as a race problem would be likely to be unsuccessful.

...If the race problem were magically to disappear over the next few years, this would certainly be accompanied by changes in the patterns of criminal behavior which would, in turn, have a bearing upon police use of deadly force, probably but not necessarily causing it to diminish. But this is not to say that use of deadly force by the police is an independent aspect of the race problem. Police conduct is a dependent aspect of general patterns of criminal behav-

ior, patterns that are significantly influenced by broader considerations of, for example, age, class, and affluence. Victimization is directly related to police contacts with offenses of the sort in which firearms are most frequently used by criminals.⁵¹

...Blacks are the mode among New York's police shooting opponents because they are also the mode among the lower socioeconomic groups which most frequently precipitate extreme police-citizen violence.⁵²

For general interest, contrast these perspectives with those presented earlier in the context of national conferences to combat "police racism."

One last component in this line of argument is the overall level of violence, or expected violence, in the communities where fatal police-citizen encounters are likely to occur. That is partly reflected in the arrest rates for violent crimes given above. Various aspects of the Bonita Carter shooting provide a dramatic feel for the aura of violence, actual and potential. First, it might be recalled, the incident was precipitated by a black customer who shot from the parking area into a 7-11 store. But, consider the following other indications of a violent atmosphere in the store offered in the testimony before the hearing committee set up by Mayor Vann to investigate the case. Wayne Crusoe was an employee of the 7-11 store on duty on the night of the Carter shooting. In answer to a question on activities the night of the incident, he testified,

Well, sir, while I was stocking, which I think was approximately about five minutes after I had been in the cooler I first heard something go bam, which I

thought was the cooler door opening and closing like somebody has just opened it and closed it. Then, I heard a series of bam, bam, and looked out and saw the customers scrambling for safety. A lady fell down in front of the cooler. I realized--when I heard the next bang I figured somebody must be shooting. So I *got my pistol out of my pocket* (italics added) and pushed the cooler door open.⁵³

Later in the testimony, the following exchange occurred between the same witness and his interrogator:

A: Yes, sir. That is when somebody said, "He is getting away in the car."

Q: Do you know who that person who made that statement, "He is getting away in the car" is?

A: I think it was someone in the store. I think it might have been David [another store employee]. That is when Ray [a third employee] ran from behind the counter and went out the door. I hollered, "Ray hold it," but he was outside.

Q: What if anything did Ray have with him?

A: Well, he *had a pistol that was a .44* (italics added).⁵⁴

The following exchange was with Louise Daniels, a close friend of Bonita Carter:

Q: Okay. And, what if anything did you see her [a friend of the customer doing the shooting] do?

A: When he went across the street--no--when he shot,

two men came out of the store--two men that worked in the store.

Q: All right. What if anything did they have with them?

A: I beg your pardon?

Q: Did they have anything with them when they came out of the store?

A: Yes.

Q: What did they have?

A: Two guns.

Q: And, were they long guns or pistols?

A: I don't know anything about guns. I know they were guns.

Q: Well, do you remember whether they were hand guns or long guns like he had?

A: One of them was long.

Q: One was a long gun?

A: Right.

Q: Okay, and, what did they do when they came out of the store?

A: They started shooting at Pickett [the customer who was shooting into the store].⁵⁵

One could give other examples of testimony to illustrate the Wild West atmosphere (exemplified by the behavior of the white salesmen as well as that of the black customer) in the environs of the 7-11 store. It was hardly conducive to the cool, detached decision making that one might like in a

choice that could cost a human life. But the more important point in the present context is that violence leads to an expectation of further violence, and explanations of police shooting based solely upon racial bigotry cannot be persuasive given so rich a source of alternative plausible hypotheses.

SUMMARY

The evidence does seem to indicate that race enters as a differentiating factor in police shootings primarily because of its correlation with such variables as affluence and atmosphere of violence. Of course, there can be no claim that these extraneous relationships account for all the variance-- thus, for example, evidence from other types of research indicates that empathy and sympathy are related to perceived social distance, and these emotions could be inversely related to a tendency to escalate a situation of confrontation. But, currently available data and the low-level inferences that appear warranted on the basis of these data make it seem that such oft-repeated statements as the following are more intended to provoke than to enlighten: "Police have one trigger finger for blacks and another for whites."⁵⁶

This illustration of the state of knowledge about one aspect of the police use of deadly force shows the difficulties of determining policy when the data are few and the emotions intense. Yet, policy decisions must be made; Police officers must be selected, officers must be trained, laws and regulations must be written, shooting incidents must be reviewed and evaluated, community reactions must be handled, police reactions must be handled, and so on. Thus, the limited research data available must be used to raise the probability of systemwide success in making policy decisions, must be used to stimulate thoughtful rather than emotional debate.

FOOTNOTES

1. Board of Police Commissioners, "The Shooting of Eulia Love," "Investigation and Adjudication of Use of Force Incidents," The Reports of the Board of Police Commissioners Concerning the Shooting of Eulia Love and the Use of Deadly Force, parts 1 and 2 (Los Angeles, Board of Police Commissioners, 1979).
2. The imprecision indicated in this wide range for citizen deaths per year stems from the inadequacy of available modes of measurement. The principal mode depends upon death certificates filled out by coroners and sent to the National Center for Health Statistics (NCHS), via state registrars. Tabulations are then presented in the national mortality data published annually in Vital Statistics of the United States. But comparisons of data generated by the death certificate mode with those generated by other means (e.g., incidence rates reported in studies of police operations in various cities) convinced Lawrence W. Sherman and Robert H. Langworthy ("Measuring Homicide by Police Officers," Journal of Criminal Law and Criminology, Winter 1979, pp. 546-60) that there was serious underreporting of deaths due to the police in NCHS data. To illustrate, Vital Statistics showed 257 such deaths for California over the years 1970 to 1976, while data derived directly from police departments showed there were 544. There are many reasons for the underreporting by NCHS, including poor quality of diagnoses as to the cause of death by coroners, ambiguities in the categories for violent death in NCHS guidelines, and some distortion stemming from a desire on the part of the coroner to minimize legal and political complications.

The low end of the estimate above comes from NCHS figures, while the high end represents an extrapolation to the entire nation based upon the cases where police-generated data are available. The jurisdictions from which the police-generated data come account for approximately 25 percent of all deaths in the United States resulting from police actions.

3. Workshop presentations as well as other material have been published in the following LEAA document: Robert N. Brenner and Marjorie Kravitz, eds., A Community Concern: Police Use of Deadly Force (Washington, D.C.: Government Printing Office, 1979).
4. Workshop proceedings have been published in Community Relations Service, U.S. Department of Justice, Police Use of Deadly Force, What Police and the Community Can Do About It (Washington, D.C.: Government Printing Office, 1979).
5. See U.S. Commission on Civil Rights, Police Practices and the Preservation of Civil Rights (Washington, D.C.: Government Printing Office, 1979).
6. Vernon E. Jordan, Jr., "Address at National Consultation on Police Use of Force" (mimeo., Washington, D.C., December 11, 1979).
7. In Commission on Civil Rights, Police Practices and the Preservation of Civil Rights, p. 36.
8. Exodus, 21:13.
9. Exodus, 22:17.
10. Sanford I. Kadish, "Respect for Life and Regard for Rights in the Criminal Law," California Law Review, July 1976, p. 897.
11. Sir William S. Holdsworth, A History of English Law, vol. 3, 5th ed. (London, England: Methuen & Co., Sweet and Maxwell, 1942).

12. Floyd R. Finch, "Deadly Force to Arrest: Triggering Constitutional Review," Harvard Civil Rights - Civil Liberties Law Review, Spring 1976, pp. 361-89.
13. Illinois Revised Statutes, ch. 38, sec. 7-5 (1961).
14. Finch, "Deadly Force to Arrest."
15. *People v. Jones*, 191 Cal. App. 2d 478 (1961); *People v. Piorkowski*, 41 Cal. App. 3d 324 (1974); *People v. Ceballos*, 12 Cal. App. 3d 470 (1974); *Long Beach Police Officers Association v. City of Long Beach*, 61 Cal. App. 3d 364 (1976); *Kortum v. Alkire*, 69 Cal. App. 3d 325 (1977).
16. The Jones, Piorkowski, and Ceballos decisions were made in the context of cases in which private citizens shot other citizens. Although the courts did prohibit the use of deadly force against a fleeing felon when there was no violence, there were no direct implications for the police since none of the cases involved deadly force by a police officer. Therefore, the decisions were directly relevant to California Penal Code Section 197, but not to Section 196. In the Long Beach Police Officers Association case, one dealing with a suit claiming that officers' rights were violated by restrictive regulation, the court indicated that the rationale behind the restrictive interpretation for citizens (i.e., the added requirement of violence) was equally applicable to police officers. The court in Kortum seized upon the Long Beach wording in conjunction with the earlier three decisions to argue that the deadly force authorized by state statutes "may be resorted to only if the felony is a forcible and atrocious one which threatens death or serious bodily harm or there are other circumstances which reasonably create a fear of death or serious bodily harm" (p. 334).
17. Kortum, at 333.

18. Amelioration seems a misnomer in this case. The dissent, by Associate Justice Hanson, in the Peterson v. City of Long Beach decision at the appellate level (140 Ca. Rptr. 401 [1977]) was particularly vitriolic in its denunciation of the reasoning and conclusion in the Kortum case. Hanson wrote, "In my view when Kortum rewrote section 196 by inserting the words 'forcible and atrocious' before the word 'felony' without resorting to constitutional, statutory, or other proper judicial authority, it did violence to the constitutional doctrine of separation of powers as reflected in the Constitution of the State of California" (at 415). "...the California legislature enacted section 196 as written in black ink in the book and it and only it or the people under the initiative process have the power to change it by inserting the words 'forcible and atrocious' before the word 'felony'" (at 415). "In the last analysis, the Legislature is the proper branch of government to determine whether or not California police officers when responding to urgent calls from law-abiding, tax-paying citizens reporting burglaries in progress should proceed post haste to apprehend the suspect(s), wearing track shoes and armed only with water pistols" (at 417). That there may be merit in this argument is indicated by the fact that, after the Kortum decision, a California legislator introduced a bill to modify Penal Code Section 196 to include the words "forcible and atrocious" as modifiers of "felony." The bill was defeated.
19. Cunningham v. Ellington, 323 F. Supp. 1072, 1075 (1971).
20. Mattis v. Schnarr, 404 F. Supp. 643, 650 (1975).
21. Wiley v. Memphis Police Department, 548 F.2d 1247, 1253 (1977).
22. Beech v. Melancon, 465 F.2d 425 (1972).
23. Jones v. Marshall, 528 F.2d 132 (1975).

24. *Mattis v. Schnarr*, 528 F.2d 1017 (1976).
25. Police Regulations Governing the Use of Firearms Survey (Cincinnati, Ohio: Police Division, April 22, 1964).
26. Gerald F. Uelmen, "Varieties of Police Policy: A Study of Police Policy Regarding the Use of Deadly Force in Los Angeles County," Loyola of Los Angeles Law Review Jan. 1973, pp. 1-65.
27. The Firearms Discharge Policy, as revised, states, "Every officer is responsible for and will be accountable for knowledge of the contents of this policy and an officer's alleged ignorance of this policy shall not be a defense against departmental disciplinary action brought against an officer for violation of this policy. (1) A police officer may discharge a firearm in the line of duty, when necessary to defend himself or a third person from what the officer has reasonable cause to believe is the imminent use of deadly physical force. (2) After all reasonable alternatives to apprehension have been exhausted, the use of deadly force by an officer may be considered warranted to make an arrest or to prevent the escape from custody of a person whom the officer has reasonable cause to believe: (a) has committed or attempted to commit a felony involving the use of deadly physical force, or (b) is attempting to escape apprehension, or custody by the use of deadly force, or (c) has indicated that he is likely to endanger human life or to inflict serious physical injury unless apprehended without delay. (Note: The officer is entitled to assume that a person committing any one of the following crimes is committing that crime while armed, or is attempting to flee while armed: Homicide, Assault with Intent to Murder, Robbery, Rape, Burglary of Business in Nighttime, Burglary of Residence in Nighttime.) (3) Justification for the use of a firearm is limited to the

facts known by the officer before he decides to shoot. Facts unknown to the officer cannot be considered later in determining justification of the shooting. (4) Officers shall not fire under conditions that would subject bystanders or hostages to death or possible injury, except to preserve life or prevent serious bodily injury. Firing under such conditions is not justified unless the failure to do so at the time would create a substantial immediate threat of death or serious bodily injury. (5) Whenever a police officer discharges a weapon police communications and the officer's immediate supervisor must be notified as soon as possible." At the time of that revision, Alabama had no statutory law dealing with the use of deadly force by police. Therefore, the justification came from case law that was in close accord with the common-law/fleeing-felon rule. See, for example, *Union Indemnity Co. v. Webster*, 118 So. 794 (1928); *Green v. State*, 189 So. 763 (1939); *Shine v. State*, 204 So. 2d 817 (1967); *Livingston v. Browder*, 285 So. 24 923 (1973).

28. "The Shooting of Eulia Love," p. 30. The policy statement regarding the use of firearms authorized the use of deadly force only under the following three circumstances (Los Angeles Police Department Manual, Section 1/556.40): "(1) To protect [the officer] or others from an immediate threat of death or serious bodily injury; (2) To prevent a crime where the suspect's actions place other persons in jeopardy of death or serious bodily injury; or (3) To apprehend a fleeing felon for a crime involving serious bodily injury or the risk of deadly force when there is a substantial risk that the person whose arrest is sought will cause death or serious bodily injury to others if apprehension is delayed."

29. Board of Police Commissioners, "Investigation and Adjudication of Use of Force Incidents," p.2.
30. Peterson v. City of Long Beach, 24 Cal. 3d 238 (1979).
31. Board of Police Commissioners, "The Shooting of Eulia Love," pp. 21-22.
32. James J. Fyfe, "Shots Fired: An Examination of New York City Police Firearms Discharges" (Ph.D. dissertation: State University of New York at Albany, 1978), p. 31.
33. Paul Takagi, "A Garrison State in 'Democratic' Society," Crime and Social Justice, Spring-Summer 1974, pp. 27, 32.
34. Ibid., pp. 32-33.
35. Cynthia G. Sulton and Phillip Cooper, "Summary of Research on the Police Use of Deadly Force, in A Community Concern, Brenner and Kravitz, eds., pp. 69-94.
36. Catherine H. Milton et al., Police Use of Deadly Force (Washington, D.C.: Police Foundation, 1977).
37. Richard W. Harding and Richard P. Fahey, "Killings by Chicago Police, 1969-70: An Empirical Study," Southern California Law Review, March 1973, pp. 284-315.
38. David Burnham, "3 of 5 Slain by Police Here are Black, Same as Arrest Rate," New York Times, August 26, 1973, p. 50.
39. Fyfe, "Shots Fired."
40. Gerald D. Robin, "Justifiable Homicide by Police Officers," Journal of Criminal Law, Criminology and Police Science, June 1963, pp. 225-31.
41. Marshall W. Meyer, "Police Shootings at Minorities: The Case of Los Angeles," Annals of the American Academy of Political and Social Science, November 1980, pp. 98-110.

42. These included murder, robbery, aggravated assault, weapons offenses, and burglary.
43. The violent felonies were homicide, robbery, felonious assault, and rape.
44. Meyer, "Police Shootings at Minorities."
45. Fyfe, "Shots Fired," p. 136.
46. Meyer, "Police Shootings at Minorities."
47. Ibid., p. 103.
48. Mark Blumberg, "Race and Police Shootings: An Analysis in Two Cities" (Paper presented at the meeting of the American Society of Criminology, San Francisco, Nov. 4-7, 1980).
49. Ibid., p. 11.
50. Robin, "Justifiable Homicide by Police Officers," p. 227.
51. Harding and Fahey, "Killings by Chicago Police," pp. 309, 310.
52. Fyfe, "Shots Fired," p. 144.
53. Hearing by the "Blue Ribbon" Citizens' Committee, "In Re: Bonita Carter" (Birmingham, Ala.: Office of the Mayor, 1979), pp. 14-15.
54. Ibid., pp. 19-20.
55. Ibid., pp. 111-12.
56. See, for example, Lennox S. Hinds, "Police Use of excessive and deadly Force; Racial Implications," in A Community Concern, Brenner and Kravitz, eds., pp. 7-11; Paul Takagi, "LEAA's Research Solicitation Police Use of Deadly Force," Crime and Social Justice, Spring-Summer 1979, pp. 51-59.

USE OF DEADLY FORCE BY POLICE OFFICERS

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NATIONAL INSTITUTE OF JUSTICE

FINAL REPORT

VOLUME III

THE VIEW AND THE MOTIVATIONS FROM BEHIND
THE GUN: A DESCRIPTIVE APPROACH

PREFACE

As stated in the Introduction to Volume I of this report, we visited 14 police departments throughout the country, as part of an evaluational survey, and then selected four of these departments as site settings for intensive study. During the survey, and more especially during the study, we discussed deadly force and related matters with many police officers and civic leaders, we examined many documents--some highly confidential, and we observed police officers in action, even police officers assigned to the most dangerous of environments and tasks.

In that process, we supplemented the information derived from our formal, more analytical approach (discussed in Volume IV) with descriptive material which we consider extraordinarily rich, and useful for understanding police behavior despite its susceptibility to many alternative plausible hypotheses.

This volume, then, contains that descriptive material and conjectures based on the material. This is purely observational stuff--with all its limitations--and, we believe, all its strengths. While one may not feel comfortable in developing a theory of police behavior on the basis of such observations and the resulting conjectures, we feel that they provide the framework for invaluable insights into that behavior. Those insights, when balanced against the hard data and their analyses of Volume III, and the earlier work discussed in Volume II provide as reasonable a base for decision making in regard to policy and procedure as we can imagine at this time.

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CHAPTER ONE

VIOLENCE: AMERICAN STYLE

Shooting in the Ghetto

In the summer of 1980, one of us had the opportunity to "ride along" as an observer with a tactical patrol unit (Target Red) in the central ward of the city of Newark. Newark is, as almost everyone knows, one of the more violent cities in the United States. In July, more than 25 citizens died at the hands of other human beings. A three-month old baby was killed in a revenge slaying. A respected black community leader was killed as he mildly reprimanded two young robbers who were holding up his store. Another shopkeeper was killed as he delivered his money to his victims. An elderly man was killed because he had but a few dollars to give his attackers.

The city at every turn gives evidence of the price exacted by urban violence. Many of the stores and buildings are abandoned, long "torched" by arsonists. Interestingly, one finds an ethnic history in many scorched stores: Goldstein's Tailor Shop, Marcutti's Radio Store, Sullivan's Meat Market. A sign hangs bent outside of a Safeway store: "To our customers: We will open soon. Signed A. Guzzi, Manager, July 1967." Many of the stores still in business are guarded by armed security guards. Tellingly, in an ice cream parlor, a strawberry ice cream cone is retrieved through a slot behind a bulletproof glass protecting the clerks.

As the tactical team begins its Saturday night patrol, several of the most hardened veterans speculate that even for Newark this night will be special. "Something," one of them speculates, "is surely going to go down tonight."

No longer than ten minutes after the car leaves the tactical patrol headquarters, the officers see a young, tall, black man offering celluloid

bags of heroin to the white passersby in their cars. The officers jump out, frisk, search, and handcuff the man. Soon, a woman runs up to the car just as the police officers arrest the man, screaming:

Don't let them take him, I'm pregnant. We just got married. I only have him three months. Don't let them take him. It's my husband. Don't take him away. We just got married a week ago. Don't hurt him. He didn't do nothing wrong. Don't do it.

As the police officers moved the man towards the car, a small crowd hostilely gathered in front of the police car. One man in Black Muslim garb menaced the officers: "Where are you taking that man?" As the car started to drive away, the man's wife suddenly threw herself on the car screaming again and again, "Don't do it....don't do it." The prisoner shook noticeably, "It ain't right," he moaned. "Please, Mr., don't do it." The crowd thickened. Finally, the Black Muslim grabbed the woman and stated, "They're just doing their job, honey. You'll see him again." The officers relaxed in the car and drove the man to the station. A warrant check indicated he was wanted for robbery in two states; murder in another.

The booking precinct turned out to be almost as bizarre as the world the officers had left on the streets. As the officers were writing their reports, a young man came into the station requesting a patrol car to aid his mother who, according to him, was being attacked on an upper floor of a housing project across the street from the police station.

Young Man: Please sir, come quick, my mother is being attacked.

Police Sergeant: Where is she?

Young Man: On the 17th floor of the Hays Project, Apt. 1702.

Police Sergeant: Why didn't you call 733-6000?

Young Man: It's always busy. Are you going to send someone?

Police Sergeant: I don't have a single car to send.

Young Man: What about these guys [looking at us]?

Police Sergeant: They're busy. Look, son, it's a rough town.

The young man left in disgust. A few minutes later a cab driver staggered into the precinct bleeding from a wound below the neck. "This whore took me to the Club 666. Said she'd give me a blow job free and then these guys came out from the bar and took my money and shot me...." Several minutes later, the "whore" herself entered the station with a friend, complaining that "this cab driver" had stolen her house keys. The woman was arrested; the cab driver was taken to the hospital. Minutes later another car brought in a man, mercilessly beaten about the face. "He might die," one of the officers offered prophetically. The officer went on to observe that, "this guy was a hit man who tried to stiff out a dealer twice his size with a .25. He hit the guy in the shoulder and then the bigger guy did this to him with his gun. Tragic, ain't it?" The sergeant, at this point, chimed in with some additional news to add to the events of the night:

Guess what; they hit Sully, the dealer that owns the Lucky Star. 357 car found him; \$1,600 cash in his pants, keys to his El Dorado. I guess they weren't trying to rob him.

As the tactical team finally left the station, its prisoner finally incarcerated in a cell, the officers heard the following dispatch: "455 officer needs assistance. Shots fired. Special officer 235 Seymour Ave." As they reached the address, they saw a young security guard waving frantically at them with a shotgun.

Italian Security Guard: They came up to me and tried to get my gun--like this [demonstrates].

Black Tactical Officer: How many of them were there?

Italian Security Guard: A dozen; I kicked one of them out and they all came back trying to get me.

Black Man on Street: He could have hit some children. There were children down the street.

Another Black Man on Street: He was wrong. That's how you get riots by doing shit like this. Good thing he didn't hit no one or there be lots of buildings burning tonight.

Italian Security Guard: [talking rapidly to the black police officer] What do you do when a nigger tries to take your gun? He was just like this [demonstrates].

Black Tactical Officer: A what?

A few minutes later, while patrolling in a known "red light" area, the car stopped to chat with a few other officers. "Look over there," said one officer. "There are some shitum, dragging another one into that lot." "I guess that's one less shitum," the other officer nonchalantly replied. While continuing their discussion, the officers received a

call to assist on a person shot call. The officers sped to a dark side street in the south end of town and found a man lying on the ground bleeding from a gunshot wound in the leg.

Officer: Who shot you?

Man: These guys from Springfield.

Officer: Let me talk with the detectives [turns on portable radio]. [To the radio] Hey, there is this guy on 10th Street who's been shot by three guys who he said robbed him. What do you want me to do with him.

RADIO: Does he know who shot him?

Officer: Do you know their names? Where they live?

Man: Oh, it hurts. Not truthfully. I think they hang out up on 17th and Springfield, I think.

Officer: No! [into the radio]

RADIO: Take the guy to the hospital, write the report, and routine it.

Officer: Routine it?

RADIO: Yah, routine it, We're busy here.

The tactical team car rode on. A few blocks later they passed a group of 15 or 20 young men hovering over a heated game of dice.

Officer One: You see that guy cover up?

Officer Two: Yup. You want to do 'em?

Officer One: Why the fuck not?

As the young officers approached the dice game, most of the participants automatically scattered into the streets. Two men were singled out and halted. One of the men was the young man whom the officers had noticed before. As he lay spread-eagle on the wall, the officer whistled, "Look what we found here, a .32 with 6, 9, no 13 bullets. My, my." The apparent owner of the gun was placed in the car and began to chatter: "It wasn't mine. This guy gave it to me. He said he was going down to 18th and for me to hold it. My weekend's all fucked up. Can you imagine two years in jail for a lousy favor? I'm going to get that mother-fucker when I get out. You can mother fucking believe that. Hey, you guys got some dope I can smoke? I really need some herb....."

After booking the man with the gun in the precinct, the officers returned to the street. Less than a block from the precinct they received a call to investigate a shot-fired call involving a shotgun in a Spanish billiard parlor in a high-crime zone. The glass window of the billiard parlor was totally shattered by the blast. A short black man stood obviously shaken, next to a rather large woman--his mother.

Mother: God damn Norman, he's gone too far.

Police Officer: Who's Norman?

Mother: He's my son's cousin, my nephew. He lives with me sometimes.

Police Officer: Where is Norman now?

Mother: Well, he'll be at 177 Chestnut at about midnight. I know he'll be there, and I know he'll have the shotgun.

Apparently the blast was aimed at Norman. The team hid behind a wall in front of 177 Chestnut Street. Some children approached them: "Hey, are

you police officers?" An older teenager laughingly approached the front of the house. "Hey, you guys want some broads?" He laughed and walked on. Another young man approached the officers kneeling with their shotguns.

Man: Hey, someone just broke into my house.

Police Officer: Can't you see we're busy?

Man: You guys don't do shit! You are never fucking there when anyone needs you.

Finally, after more than an hour of waiting, the officers saw a man dancing down the middle of Chestnut Street. It is the son, who presumably was a target of assassination nearly an hour earlier. He obviously was drunk. "Hey, guess what?" he calls to his friends on the sidewalks. "The police are going to shoot Norman. The police are out there with shotguns and are going to kill Norman." The tactical officers sullenly resheathed their shotguns and returned to the car.

Driving back towards the center of town, the officers stopped to talk with a "snitch" watching a group of nearly 50 black "bikers" contentedly drinking beer and chatting on their parked motorcycles. "It's been quiet here," offered the snitch. "I don't know about the rest of the area." All of a sudden the patrol car radio began spewing forth a series of "in-progress" reports which highlighted life at its worst in Newark:

- Shots fired, Club 666; persons hit; check to see if there is someone who knows about a baby left in a baby carriage. One of the victims was its mother.
- Shots fired; tavern; amphetamine robbery; several persons; roll both a unit and two ambulances to the location; looks like same

guys on job before; check license 790 LOVE VICTOR UTAH, New York;
four black males; older model Olds or Ford.

Finally:

- Car 127 has observed a car matching that description; 8th and Avon; three or four males seem to be inside; they are in pursuit; all cars please assist.

In the tactical car, the officers advise the observer to "hold on." As they speed towards 8th and Avon, barely missing several cars, one officer whistles, "I wish I had my lollipop, I wish I had it now.....," obviously to relieve the tension. Suddenly, there appeared before the speeding tactical car the flashing red lights of Car 127 less than one block in front of them. Just ahead of the tactical car was a white Ford with New York plates weaving chaotically. Later, an official report would describe the events which transpired in the next few instances as follows:

0010 hrs P/O M. along with P/O C. L. in unit 127 were fired upon by 3 suspects in an auto that they had been following which committed several traffic violations. These officers while following a 1965, Ford reg. 790 LVU with 3/B/M, attempted to pull this suspect auto over to check same out. This auto tried to elude these officers and suspects fired twice at P/O A. and L. Officer L. then returned this fire by firing 4 times at these suspects. This auto continued to elude these officers but were finally apprehended at 108 Sherman ave with all occupants by unit 516 P/O J. and P/O M.

Driver of this auto M. W. of 30 Gillette Pl. was found to have been shot in the rt. shoulder upon apprehension. This suspect was taken to College Hospital where he was detained for gunshot wound of the rt. shoulder. Second and third suspect T. N. of 32 Chester ave and

later to Hdqts. and all were slated for Agg. Assault on Police Officers and for Poss. Dangerous Weapon.

At the sound of each shot, the officers picked up speed. Finally, the white Ford stopped with officers from 516, 127, and our car pulling three men from the vehicle, one man bleeding profusely from an arm wound, which now sat double parked (almost innocently) at an intersection with a busy tavern at one corner filled with happy drinkers. Several dozen men and women from the bar poured out onto the street to see what had happened. An unmarked car carrying the tactical team commander, a lieutenant, also arrived on the street corner:

Lieutenant: What happened? Is everyone alright?

 You okay? You sure?

Officer: I'm okay! [He pulled nervously and in pain at his right trigger finger as if he had hurt it in his hurried firing.]

Lieutenant: Now, what happened?

Officer: The cocksuckers shot at me, that's all; the cocksucker shot at me.

By now, the rather drunk spectators became bolder. One man announced in a loud belligerent voice, not directed, however, at anyone in particular:

Why don't you poleece go shoot people in your own neighborhood?

Why did you go shoot this poor nigger in the car? It happens all the time; the police shoot at us poor niggers. I'm tired of this shit!

The man in the car lay writhing in pain. "Ooh," he screamed, "get me a doctor....." A man who was riding in Tac Car 127 (a prisoner in custody due to a child support warrant) fended off the angry police officer who

glared at him almost pleading, "I didn't have nothing to do with this. I'm here for something else."

Back at Tac Headquarters, most of the Tac Squad was laying about in various stages of exhaustion. Two men were asleep under the Nautilus equipment; three others talked nervously on telephones to girlfriends.

Officer One: What you want to do now?

Officer Two: Sleep.

Officer One: How can you sleep? Let's go get fucked
 someplace.

Officer Two: You get fucked. I'm going to sleep.

At this point, the observer proceeded to Greenwich Village to calm his nerves. He went to a deserted Bagel Nosh restaurant and ate chive cheese bagels, two on a plate. He attempted to explain to the chef what had happened only a few hours earlier; how this guy had tried to blow his colleagues apart with a 9mm Lugar gun; how he had lain bleeding in the back of the car. The chef seemed quite unimpressed with the story. He announced that the restaurant was closing and that everyone (the observer was the only one left in the restaurant) had to leave. The observer went home and tried to sleep. As he lay awake, he tried to imagine how he would have reacted if he were armed and in Car 127. In an instant the officer had made a decision which held in the balance his own life, his opponents, and possibly others. He realized that he observed firsthand what he and his research partner had been studying for more than two years. He had to get some sleep. The Red Team was due to go back on the streets at 11:00 a.m., the next morning.

Scope and Organization of the Book

We will begin with a broad overview of the context in which police deadly force occurs, emphasizing psychological aspects of police decision

making in armed confrontations. Following that, we will focus on cultural, contextual, administrative, and legal factors that are influential in determining outcomes in police-citizen encounters involving deadly force. Next we will deal with the issue of justification for the use of deadly force and then analyze some of its social and political consequences. Finally, we will propose certain interventions designed to control police uses of deadly force and to ameliorate negative aftermaths.

More specifically, in Chapter 2 we use four illustrations of actual deadly force encounters with different outcomes to demonstrate the many facets of police decision making where shooting is a potential or actual outcome.

In Chapter 3, "A Tool of the Trade," we will describe the cultural marriage of the gun with policing. We will describe the gun as a "psychological identity tool" of many police officers. We will suggest that guns for police officers serve a variety of symbolic purposes in addition to the obvious protective one. We will also describe the importance of police weapons in contexts where a shot at a human being might even plausibly be fired, illustrating the variety of purposes guns serve in different police activities.

In Chapter 4, "Barrel to Barrel," we will describe the variety of armed confrontations faced by police officers, emphasizing situational differences in the opponents faced by police officers. The type of opponent, whether an "instrument" criminal or an insane person, create very different dilemmas for the police officer. Similarly, we will suggest the importance of the mode of contact (off-duty, regular patrol or planned apprehension), the numbers of officers present, and "space and light" in determining the decision to use deadly force and the outcome of an armed confrontation.

Chapter 5, "We Pay Them to Make Decisions," will analyse some of the differences in confrontations which result in shots being fired against an opponent with those in which a use of deadly force is averted. We will analyze in depth two cases involving very similar circumstances but very different outcomes. In one incident a woman armed with a knife is killed by two police officers. In the other incident, a woman similarly armed is arrested without injury to her or the police officer. We will also suggest that one key to understanding the differences between the two types of incidents is to focus upon decisions made by police officers early in the confrontation. Finally, we will analyze the social influences which shape police officer decisions at each phase of the encounter.

In Chapter 6, "The Problem With Police Officers is That They are Human Beings Like the Rest of Us," we will analyze the psychological competencies required for an officer to cope effectively with armed confrontations. We will describe the personality profiles of some officers who have shot numerous times, contrasting them with officers who have rarely fired in scores of armed confrontations. We will, for example, explore the role of human emotions, ability to recognize accurately reality in armed confrontations, interpersonal and physical skills, and moral judgment as they affect the police officer's ability to cope with armed confrontations.

In Chapter 7, "Preventing the Inevitable," we will analyze the impact of police administrative policies and procedures upon decisions to use deadly force: What is the impact of formal police administrative policy upon a typical police officer's decision process in armed confrontations? What influence similarly do shooting guidelines, training, operational rules, and shooting review exert upon the rate of police deadly force?

In Chapter 8, "A Problem of Value," we will be concerned with legal and ethical aspects of police deadly force. What is the moral justification for taking human life? What level of threat justifies the killing of another human being? How might the right-to-life of the citizen be balanced with that of the police officer in policies governing use of deadly force.

These ethical concerns parallel important legal concerns. Many state legal statutes (24/50) permit the use of deadly force against fleeing felons. Others provide more stringent tests necessary to justify a use of deadly force. An analysis of different legal justifications will be critically presented. We also will define and analyze some new issues related to police deadly force related to officer negligence and municipal civil liability.

In Chapter 9, "The Racial Politics of Police Deadly Force," we will be concerned with political and cultural responses to police uses of deadly force. While there is no evidence that the number of shooting incidents has increased significantly in recent years, there is abundant evidence that the sensitivities of communities have increased greatly. We will state that this may stem from increased value placed upon human life, a general shift from emphasis of social convenience to human rights, the rapidly changing status of minority groups and the special sensitivities that go with changes of that sort, and a general abhorrence of actions that are perceived as authoritarian. We will analyze the direct political consequences of police uses of deadly force. Thus, the shooting of Bonita Carter in Birmingham was a major factor in the defeat for reelection of the incumbent mayor, and, also, the shooting of Melvin Black in Oakland led to the decision to establish a police review board

in that city. Moreover, the civic turmoil that was evident in the cities mentioned above (among others) carries dangers of escalating into the destructive civil strife witnessed in many cities of the 1960's and Miami in 1980. We will suggest that action is badly needed to prevent further erosion of police-community rapport and before there are escalations that may scar society for years to come.

In a final chapter, we will propose some interventions to reduce the immediate and long-term consequences of police use of deadly force. Alternative weapons, bullets, training, and personnel selection will be discussed. Model legal and administrative policies will be also proposed and reviewed. Finally, we will suggest a number of strategies to facilitate community-police reconciliation following a controversial and embittering use of deadly force of police officers.

In these chapters we will strive to describe for the reader (as faithfully as we are able) the reality and meaning of the use of deadly force for the urban police officer. In analyzing the variety of armed confrontations faced by police officers, the influences upon officer decision making and the impact of officer competences upon the decision to shoot, we hope to provide the reader with a model useful, both for understanding police officers' decisions to use deadly force, and more importantly for conceptualizing interventions designed to control both police officer and citizen injuries and deaths. Also, through our review of administrative, legal, and political control mechanisms upon the rate of police deadly force, we hope to provide an understanding of some of the complex forces which limit and control police officers' decisions to use deadly force. Finally, in proposing a number of plausible

interventions to control deadly force, we hope to offer a number of policy remedies for public consideration. To be successful, we must provide a coherent value perspective towards the police use of deadly force. In the effort to conceptualize the perspective, we must balance both police officer and citizen lives and evaluate "errors" in the use of deadly force in such a way that neither the legitimate rights of citizens nor of police officers are minimized. In writing about a controversial topic such as the police use of deadly force, it is difficult to avoid either emotional moralism on the one hand (either blaming police officers or criminals) or an equally misleading scientific objectivism on the other. In this book, we will seek to understand rather than judge; we will also never forget that our topic involves serious injury and the violent loss of life of both police officers and citizens.

CHAPTER TWO

THE DILEMMAS OF POLICE DEADLY FORCE: AN OVERVIEW

Few cities are as violent as Newark in terms of its frequency and intensity of expression in citizen-to-citizen encounters. Nevertheless, more generally, violence is almost as centrally associated with the American image in the 1980's as apple pie and McDonald's hamburgers. Concrete support for the appropriateness of that association is readily available in the crime statistics provided by the Federal Bureau of Investigation in its Uniform Crime Reports.

And the police throughout the United States cannot avoid that violence any more than the police in Newark can. Indeed, the shooting of the man in the car, as described in Chapter One, was one of perhaps 2000 incidents in 1980 that resulted in a police officer wounding or killing a citizen with a gun.

While that shooting in Newark was not at all controversial, conceptual questions regarding the officer's decision to use deadly force are still relevant. What tactics by the officers precipitated the shooting? Could these have been changed. Why did the officer fire at the car rather than break off the pursuit? What enabled him to remain calm enough to hit the driver of the car in the midst of a relatively high-speed pursuit?

It is also important to understand the impact of the shooting on both the officers involved and the community. How do officers understand their decision to use deadly force? What is the long-term impact of a use of deadly force upon their lives? How do perceptions of community members of such incidents differ from those of police officers? What is the relationship of such differences in perceptions to further disorder and violence?

Finally, there are questions as to how the rights of citizens and police officers are to be balanced in a manner consistent with the ideals of fairness implicit in a democratic society? What risks should constitute a sufficient threat to warrant the use of deadly force by a police officer? How might policies be developed to protect simultaneously the safety of police officers and of citizens who are threatened by criminal activity? What policies might be encouraged to reduce the chance of injury or death to both police officers and citizens.

The inquiry to follow is important for political, moral, as well as very immediate practical reasons. Many communities have been literally torn asunder following a perceived abuse of police force. The Miami and Chattanooga riots of 1980, and 84 of 136 of the major urban riots of the 1960's were precipitated by perceived abuses of police force. Other major cities have experienced profound political unrest over the issues of the police control of deadly force. At the same time, minority citizens have charged the police with abusing their power in the use of deadly force, and police officer unions have argued that overly-restrictive shooting policies have hampered their officers' effectiveness and ignored the safety of their lives. It might be added that the deadly force issue has often polarized "blacks and whites," liberals and conservatives, and police officers and civilians.

Obviously, the issue of police deadly force poses some difficult moral issues for a constitutional democracy. It reflects, in very real terms, Max Weber's observation that the idea of the nation state implies by definition a monopoly of legitimate force in the hands of the state. The very concept of the state thus implies a capacity to defend its interests by force, including lethal force. On the other hand, a democratic

society demands that any use of force be bounded by firm rules. Also, the ideals of the Constitution imply that force in our society be minimized and used in only the most extreme of situations. Viewed in this context, the issue of police deadly force reflects the symbolic issue of the moral limits of the power of the state.

In terms of sheer carnage, the problem of police deadly force is far from an insignificant problem. This year, at least three hundred, and possibly six hundred people, according to Sherman (1980), will be killed by police officers. Over three times that number will be wounded (some permanently) by police bullets. Over 3,000 shots will be fired by police officers at human beings. There will additionally be over 100 police officers killed by citizens and over 400 police officers assaulted by deadly weapons. In many thousands of incidents armed police officers will confront citizens who actually (or are believed actually to) possess deadly weapons.

The terrain to be covered in this inquiry clearly will be extremely broad involving concepts from many fields. We hope to describe to the readers, as faithfully as we can, the world of police officers faced with armed confrontations. We will present in the final chapter some remedies we believe essential to control police deadly force. More importantly, however, we hope to present a novel and coherent perspective towards the problem of police use of deadly force. This perspective views the police officer as a decision-maker faced with violent human interactions and very little time for thought. As illustrated by the case above, the reasons an officer shoots or doesn't shoot is a result of complex immediate and long-range circumstances. We will attempt

to understand police decisions to use deadly force in a complex matrix of social forces (such as a police department, legal context and larger social culture). These forces, we will argue, both influence and interpret the decision to use deadly force in armed confrontations with citizens.

Four Armed Confrontations

As a way of introducing the reader to the major conceptual dilemmas of police use of deadly force, we will briefly describe four armed confrontations faced by police officers in four different circumstances. Each officer, facing a unique set of circumstances, made a decision as to whether or not to fire his gun and possibly take a human life. In two of these confrontations, the officers fired shots that killed people; in the remaining two encounters, no shot was fired by a police officer.

1. The man with the ax on Market Street

In some confrontations, a use of deadly force almost certainly saves the officer's or another person's life. Officers P. and W. were on foot patrol in a main intersection of a business district in one of the most crime-ridden and violent cities in the United States. The officers were enjoying a quiet moment in a rather busy day when they saw an older officer across the street. One of the officers described the moments leading up to the confrontation as follows:

We were walking along the street and we see Sid directing traffic. Sid was a real nice old man and we just were about to wave when we see this man "run across the street" and hit Sid across the back with a long-handled ax maybe two-feet long. We were stunned, but we just run across the street to help, cutting through the cars, trucks, and buses.

As one of the officers rushed across the street, they saw the badly-wounded officer limp away from his assailant, with the ax bizarrely still stuck between his shoulder blades. The black male who was attacking the officer attempted forcefully to wrest his ax from the wounded officer but had difficulty as the ax stuck in hairs of the heavy jacket the officer was wearing. After he finally freed the ax from the bleeding man, he pulled the ax up ready to strike his victim again. An official report described the incident up to this point as follows:

The officers immediately started across the street to assist the wounded officer, weaving their way thru traffic. Officer H., wounded and moving away from the assailant, talking to him and attempting to draw his revolver. In the seconds it took P. and W. to cross the intersection, the assailant had tripped, got up, and started pursuing Officer H., who was still moving and had reached a point at the northeast corner in front of 786 Broad St. As Officers W. and P. arrived, the assailant was standing in the street in front of 776 Broad St., facing Officer H. (who was wounded and leaning on a parked auto), with the ax raised to strike him a second blow.

In the moments that followed, Officer W. rushed to protect the badly-wounded policeman and Officer P., faced the man, and in his own words, "tried to get the guy's attention, you know, have him get me. I said something like 'how about me?' Come get someone your own size. Something like that."

Eventually, the man came towards Officer P.; however, Officer P. was unable to fire at the man immediately, because a crowd of almost 800 people had gathered to watch in horror the bizzare events occurring at 11:41 a.m., on one of the busiest intersections of the city. Carefully, Officer P. maneuvered the man towards him but circled so that he was facing the wall of a bank and the crazed man with the ax facing the street. Still, the officer held his fire demanding that the man drop his weapon; the man came ever closer with the ax raised over his head. Officer P., now less than four feet from him and kneeling by the curb, finally fired his gun. The first shot had, according to the officer, almost no effect. "It was like it just didn't bother him. He was coming towards me with his ax in his hand. I fired again. He suddenly got this strange look in his eyes and blood came out of his mouth and he fell down." An official report, recommending the officers for medals, described the final moments as follows: "He [the assailant] turned towards the officers and backed onto the sidewalk making a semicircle. He then came back into the street, this time facing P/O P. and shouted, 'Your next, mother fucker!' and started towards P. with the ax raised to strike. P/O P. again told him to drop the ax, and when his commands were ignored by the assailant and when the assailant took another step in his direction screaming, 'You're next!', P. fired a round from his service revolver. When this failed to stop the assailant, P. fired a second shot, also striking the man in the chest. This time the assailant fell to the ground fatally wounded."

The man with the ax case provides an illustration of the type of imminent threat that is characteristic of many, if not most, incidents where police officers use deadly force. In other confrontations, the

threat to the police officer is far more ambiguous, as illustrated by the incident described below.

2. "They shot the wrong woman"

The approbation that followed the shooting of the man with the ax by the police is certainly not a typical reaction to a police shooting. Often the reaction of the community is one of indifference, occasionally it is shock without animosity toward the police, and often it is outrage toward the police that may be so strong it leads to demonstrations (which may become violent). The last of these is most often associated with the killing or serious wounding of a minority group member.

The indifferent reaction is typically associated with a media report of the wounding or killing of a bank robber who was carrying a gun or of a young hoodlum in a shoot-out with the police or of a similarly dangerous criminal. Shock comes when the expectations of impeccable professionalism on the part of the police are upset, but there is no reason to believe that the shooting was more than an unfortunate mistake -- there was, for example, no reason to invoke a concept like racial bigotry. As one example, in Los Angeles, a law enforcement officer shot and killed a young man who had actually come to the aid of an assault victim as a good samaritan. As another example, sheriff's deputies in another city killed a young man being held hostage during a holdup of a fast food restaurant. Finally, an off-duty New York police officer shot and killed two brothers who were pursuing a man who had just robbed them in their small bodega.

The case of the killing of Bonita Carter provides a dramatic illustration of a police shooting that led to outrage and to violent demonstration.

The incident which led to the death of Bonita Carter began rather inauspiciously: On Friday, June 22, 1979, a man named Alger Pickett became embroiled in a dispute with Mike Avery, an employee of Jerry's Quik Mart (a 7-11 store) in Birmingham, Alabama. The dispute began when Pickett objected to paying for gasoline before pumping, and it became more and more intense, reaching a point of mutual punching. The fight was broken up by two other men, Pickett left the store, drove away, but returned shortly thereafter. After parking on the 7-11 lot, he opened the car's trunk and removed a rifle. He shot from the parking lot into the store with that rifle, hitting Avery in the left shoulder with one of the bullets.

Employees from the store shot back at Pickett, including a double shotgun blast. Pickett ran away, crossing a street, leaving his car behind. From his distant position he called out a request to have his car driven off the parking lot to his present location.

A young lady by the name of Bonita Carter responded to his request, got into his car, and started driving it off the lot. She was a rather tall girl who was wearing a cap that concealed her hair. As Carter was pulling away, the manager of the store ran after the car with a pistol in hand. The manager, Ray Jenkins, had been sleeping in a rear storage area and, when awakened by the earlier shots, guessed that a robbery had taken place. He assumed, as he ran after the car driven by Carter, that he was chasing a robber who shot his friend Avery.

Two Birmingham police officers were arriving in the 7-11 parking lot for a refreshment stop when they heard a radio dispatch stating that there was a robbery in progress at the store. The dispatch in that form came about because Jenkins had earlier triggered a robbery alarm when he came into the store proper from the storage area.

The officers stopped their car abruptly, and, with guns drawn, went toward the car driven by Carter -- which by this time had stopped in response to shouted orders from Jenkins. As the officers approached the car, Jenkins stated, "That is the car. They have got a shotgun. They shot Mike" (p. 674). Officer Hollingsworth approached the car from the rear on the driver's side and Officer Sands from the rear on the passenger's side. They called out a warning to Carter that they were police officers to Carter, but she was apparently petrified by the whole affair by this time and slumped down in a concealed fashion on the front seat.

Several witnesses to the events stated that they shouted to the officers that the driver was an innocent girl, not the man who shot into the store, but in all the excitement the officers apparently did not hear them.

As the officers eased toward the car, a head with a light colored hat suddenly popped up. Officer Sands fired four times -- Carter died a short time later.

The area of Birmingham in which the shooting took place is characteristic of many urban "zones in transition" in that it faces severe racial tensions and often violence. A reflection of the violent atmosphere in this area is evident in the testimony before the hearing committee called to investigate the case. Wayne Crusoe, another employee of the 7-11 store on duty on the night of the Carter shooting, testified before the committee as follows:

Well, sir, while I was stocking, which I think was approximately about five minutes after I had been in the cooler, I first heard something go bam, which I thought was the cooler door opening and closing like somebody has just opened it and closed it. Then,

I heard a series of bam, bam, and looked out and saw the customers scrambling for safety. A lady fell down in front of the cooler. I realized, when I heard the next bang, I figured somebody must be shooting, so I got my pistol out of my pocket [italics added] and pushed the cooler door open.....

Further, David Hallman, another store employee testified:

Q. When the shooting started and you got down behind the counter, did you do anything else at the time?

A. Yes, sir. I shot at the man.

Q. Did you have a weapon of some type down behind the counter?

A. Yes, sir.

Q. And did you go to the door and shoot or just tell me what you did when you shot?

A. As I got over the counter -- well, Mike Avery grabbed a shotgun and went out the door and shot at the guy. Then the guy came around the front of the car and shot at us and I shot at him....

All this occurred with many bystanders in the area of the store, including young children.

Within a week there was major unrest in the black community protesting the Carter shooting. By the following weekend, the Kingston neighborhood (in which the Carter shooting had taken place) was the scene of a rock throwing episode and tense police-citizen interactions. The windshields of the police cars were covered with canvas bags to protect them against rocks. The Southern Christian Leadership Conference demanded the firing of the officer in the shooting.

The next week, community leaders warned that riots would continue unless there was legal action taken against Officer Sands. While the parents of Bonita Carter urged citizens not to commit violent actions, they demanded official action in the case involving their daughter. In the following weeks, a citizens' panel was formed to provide a public forum for the controversy; it decided that the shots were fired "without sufficient justification." A police review panel had ruled the shootings were within departmental guidelines. Protagonists for the police as well as for black rights marched on the convenience store in Kingston. Black groups demanded the firing of the officer. White groups protested in sympathy with victims of violent crime. By midsummer, there were numerous scuffles between black and white groups.

At stake was the question of political control of the police. A use of deadly force by a police officer had become the most marked symbol of political power and control. Much as a tea tax or an obsolete battleship, the Maine, had become heated political symbols for earlier wars, Bonita Carter had become a volatile symbol in the political battle for political control of the cities of a changing urban South.

While the mayor of Birmingham, David Vann, refused to dismiss the officer who shot Carter, he was far from publicly unsympathetic towards those who suffered from the tragic event. (After the shooting he had visited Carter's parents for half an hour.) Still, events identified him with support for the police rather than the black cause (although he had previously been elected with black support). The election that followed between Vann and a black councilman named Richard Arrington focused largely on the issue of police shooting, particularly deadly force policy.

The Bonita Carter incident is unfortunately not an isolated incident. For many citizens, especially blacks, the image of police uses of deadly force has become symbolic of the tension (and often hatred) between the police and the minority community. In a space of one year, a New York psychotic man was shot 21 times by five police officers. A retarded boy in Seattle, looking for odd jobs, was killed by police officers. The controversy, which followed, resulted in a city referendum on police shooting guidelines and mandates for new training. In Los Angeles, a 39-year old woman named Eulia Love was killed by two L.A.P.D. officers following a dispute over a bill with employees of the gas company. In Houston, a Chicano gang member was apparently murdered by police in the bayou. In San Jose, a male Chicano, who pointed his finger at a police officer, was fatally shot, causing major protests within the Hispanic community. In Columbus, a shooting of a black teenager fleeing from a store theft spurred demands for civilian review of the police. In Oakland, a black 15-year old boy with an air pistol was shot by police officers. The city, six months later, initiated its first civilian review board. The political consequences of these incidents have been enormous. The aftermath to the killing of Arthur McDuffie in Miami provides perhaps the most extreme example of the political volatility of the deadly force issue. After a trial, which produced a verdict of innocent, Miami experienced a massive riot which saw a billion dollars worth of damage and 14 persons beaten or shot to death.

3. Officer shot in the hallway: Danger to the police officer

Death or injury may come, of course, not only to an innocent citizen, but to a police officer as well. And during one 33-day period,

no fewer than four police officers were shot in New York City alone. Shootings of police may have equally important political and psychological consequences. A rash of questionable shootings by the police followed the ambush deaths of two New York policemen in the lower east side of New York in 1971. In Southern California a car (wrongly it turned out) suspected of being involved in the shooting death of a police officer was riddled with more than 55 bullets. The driver of the car almost implausibly escaped injury. About 2:15 A.M. on November 8, 1980, according to a New York Times report (November 20, 1980, p. A18), a police officer was found "shot through the neck and bleeding to death in a ditch alongside his patrol car" in a black area of New Orleans. In the next five days, four blacks were shot to death by the police, three of them, including a woman in a bathtub, occurred in encounters where the police were seeking the police killer(s) with murder warrants. In other cities, the deaths of police officers have resulted in demands for more officers, higher velocity weapons, and fewer restrictions on police gun use. And, the action on the part of the police may, in turn, lead to reactions from the minority community. For example, the New Orleans incident led directly to the resignation of the city's nationally famous police chief (James Parsons). The president of the local chapter of the N.A.A.C.P. stated, "We can't have the police acting as arresting officers, lawyers, prosecutors, judge and jury, and deny people all their civil rights" (New York Times, November 20, 1980, p. A18).

Research on shootings of police officers by Chapman (1972), Pierce (1974), and Margarita (1980) indicates that armed confrontations in which police officers are shot share much in common with those in which a citizen is shot. The incident described below, in which an officer

was nearly killed by an armed suspect wanted for murder, illustrates the unique peril faced by police officers forced to apprehend dangerous, armed, and violent persons.

The officer involved was a detective in a large urban department noted for the danger of its duty and the poverty and violence of its citizens. The officer described the incident vividly, though it had occurred more than eight years before:

We were looking for this guy, a real bad guy, wanted for at least two murders. We had sort of lost hope of finding the guy. I was with this state trooper trying to get more information on the guy. We had a photo of the guy and knew all about him. We decided to visit this woman who used to visit this guy in prison to see if she wanted to tell us where he was.

The two officers went to the neighborhood where the woman lived. This area makes the South Bronx or the worst parts of Harlem almost enviable environments. The officers were told by a group of children that the woman they wanted to speak to was not there, that she "had gone to the store." Finally, a woman matching the description walked up the apartment steps. The detective said, "We followed her up and went to the door. We were expecting just to interview her. She comes out and we see this guy sitting on the couch just watching us." The next few seconds were recalled with understandable horror by the officer:

When we approached the door, we were thinking this was just going to be an information call; probably she wouldn't tell us nothing. What happened was that, as we stepped into the

hallway of the apartment from the building corridor, we saw the woman and this guy sitting on the couch. We didn't know who it was. He just stands up and starts shooting at me. I retreated into the hallway. He escaped through the window. I fired but missed. They took me to the hospital.

The shot detective was on the critical list for seven days and in the hospital for three months. After the incident he commented:

It was like a dream. It was different from most police-work. We were just reacting. There was no time to plan. It was all out of control. Maybe we were unprepared because we didn't know he was there.Maybe I should have had better cover.Maybe I should have had her come to the apartment house corridor.

In other incidents, the outcome of an armed confrontation may be death, not injury to the police officer. Often a slight lapse in attention, the disregard of warning signals, poor timing, or other unfortunate circumstances result in the death of a police officer.

In Reno, Nevada, a young narcotics officer is making a drug buy from a large-scale dealer. A new microradio in use for the first time breaks down. He loses contact with backups and is killed by his "customer." In New York, a much-decorated officer chases an opponent around a corner and is killed by the man who is waiting for him as he passes the edge of the building. In Los Angeles, a young harbor patrol officer is killed by an insane man with a machete who virtually decapitates him after the officer hesitates when the man refuses to drop his knife. In Newark, New Jersey, a 58-year old officer is first

shot and then pummeled to death by a group of bank robbers. An off-duty officer in New York heroically confronts a robbery team in a social club and is shot seven times. In Birmingham, Alabama, an officer stops to interrogate a young man about a reported robbery. The young man reaches into his chopping bag and then kills the police officer instantly. In a small California beach community, a young police officer responds to a medical call. He goes to an alley behind a local newspaper office and sees a man who is apparently holding his bandaged right arm with his left hand. As the officer approaches to give aid, he is killed with three bullets by a man later sent to a hospital for the criminally insane.

These incidents should remind the reader that it is not always the criminal who is killed in an armed confrontation. More than 100 police officers lose their lives yearly in armed confrontations with citizens.

4. "Christmas Eve in the Ghetto": An averted shooting

In a surprising number of armed confrontations, even those in which both police officer and opponent have drawn weapons, the confrontation is resolved without injury to either police officer or citizen, and even more often without a shot being fired by either party.

Such "averted" shootings in armed confrontations have been only a recent concern to sociologists, largely because they are rarely recorded in anything but the most obscure police arrest records. Experienced officers in many hard-core areas report that such averted shootings are common, almost commonplace events. One officer commented: "There are lots of people I could have shot. Sometimes I don't even know why they are alive. You just bring them in. Sometimes someone says something. Other times you just go out on the street."

In one such averted shooting a man with a high-powered rifle is lured to a doorway "to talk," then disarmed by two tactical patrol officers. In another incident, an officer is attacked and cut by an insane woman with a knife but is able to disarm her without shooting her. A detective sees a man with a gun in a tavern involved in a gun deal hesitate when commanded to drop his gun. The man finally complies and is arrested. A man confronts a police officer from another department who is drunk and refuses to drop his gun when commanded; the drunk officer is finally disarmed. A tactical team surrounds a car with four robbers armed with two .38 pistols, a .45 automatic, and a shotgun. The robbers surrender without serious incident. An older man, who has fired at his son-in-law with a rifle, is arrested by a calm, older police officer. An off-duty officer sees a young woman stab a younger man to death with a long knife. The officer and a barber, who knows the woman, convince her to surrender. An insane woman, armed with a pistol, is convinced to surrender, rather than kill herself, by a young police officer. A man, who has occupied a church tower in a midsized California town, armed with an M-1, is talked down by a courageous detective..

The following incident described by a veteran police officer saw him and his partner able to disarm a man armed with a gun who was robbing another man:

It was last Christmas. What a day to work. We get a call to the Sudder homes, the worst part of the city. A domestic disturbance of some type. We walk up to the doorway and open these big steel doors. As we open it, we see this guy holding a gun on a young guy, looked like he was robbing him.

As the officers yelled, "police, halt," the robber pointed his gun at the police officers but, for some reason, did not shoot. Both officers and the robber and the victim stood frozen in what must have seemed to them an eternity. One officer said:

It was weird like. We just barged through the door standing over them. First, he has the gun on the guy. We were surprised. We thought it was just going to be a domestic dispute. The dispatcher didn't know anything about it. The people didn't think we needed to know that.

The second officer commented that, but for the surprise, they might have shot the man:

It happened so fast I just didn't have a mental set towards firing; by the time our gun got out, it was like here we were. There he was just standing there pointing a .25 at G's belly.

The first officer commented:

It was like three-four seconds. We were all startled. We were just four feet away from each other. Us, the robber, and the guy on the floor. The only way I can explain it is that in those three seconds with us pointing guns at him and him at us, we didn't think he'd shoot. It was his eyes or something. Finally, we just pushed the gun away from him and arrested him.

After the incident, the officers were treated almost indifferently.

"The desk lieutenant just read the report like it was nothing special and sent us out." Their sergeant told them, "the next time just plug the son of a bitch." The officers themselves just commented, eight months after the incident, "-hey, it's part of the job."

While such outcomes are less dramatic than a shooting, wounding, or killing of either a police officer or a citizen, they are the most common result of a confrontation between an armed police officer and armed citizen. As we observed, such averted shootings are often difficult to identify, especially in high contact districts where they are almost commonplace occurrences.

In reviewing each of the four sections above, some questions might be suggested:

One series of questions is psychological in nature: What factors in the confrontation (the strategy employed by the officer or possibly the personality of the officer) influenced the outcome of the incident? Was the result of the shooting of the detective in Incident 3 almost inevitable given the nature of the confrontation? Did the positioning of the police officer in the Bonita Carter incident contribute to the tragic outcome of the incident? What qualities in the officer, faced with the ax-wielding madman, might be related to his obviously heroic resolution of the incident?

Other questions are sociological in scope: What role did police administrative policies play in the outcome of each incident? How might different training policies or tactical rules have altered the path the incident took? Would better departmental guidelines on tactical positions make less likely the tragic shootings of policemen? Could more effective training have reduced the likelihood of a death such as that encountered by Bonita Carter? Also, it might be noted that all of the opponents described in this chapter were blacks. Blacks, according to Kobler (1975), while comprising only 19 percent of the population, account for well over 50 percent of the victims of police homicide.

While this statistic may be surprising it is commensurate with violent crime rates among blacks. This raises the question of the relationship of police uses of deadly force to broader social dynamics such as race, poverty, and racism.

The most difficult issues, however, are conceptual. One issue involves the evaluation of police use of deadly force. How does one define which of the above cases were justified from either legal or moral points of view? We also must confront the problem of legal statutes and case law that regulate the use of deadly force, the problems of criminal and civil negligence as they apply to police uses of deadly force, and the moral position which respects the legitimate claims to life of both citizen and police officer. This is obviously neither a simple intellectual task nor one society can avoid facing.

Evaluating Police Uses of Deadly Force: Correct vs. reasonable decisions to use deadly force

Perhaps it makes most sense to begin with a brief overview of the conceptual framework which will guide our approach. We will briefly present some thoughts on how one might evaluate police decisions to use deadly force as a framework to interpret some of the more systematic approaches to follow. In the four cases we presented above in detailed fashion, two of the cases had seemingly salutary outcomes. In the first case, an officer's life was saved from certain death at the hands of an ax-wielding madman. In the last case, a life was saved due to the quick thinking (and perhaps luck) of the two officers faced with the bandit with a pistol. In the remaining two cases, the result was clearly tragic. In one case, an innocent woman was killed, triggering a major racial confrontation. In the second case, a police officer was almost killed.

A key premise in our analysis will be that, in virtually any armed confrontation (in which both citizen and police officer are armed), anyone of these four outcomes is possible. By shooting, a life may be saved or lost. By withholding fire, a life similarly may be lost or saved. It is the balance of life, held often by an instant of circumstance, that makes the decision of the use of deadly force both bewildering in its complexity and awesome in its consequences.

These four logical possibilities are illustrated in Table 1.1 which conceptualizes two errors in the use of deadly force.

TABLE 1.1.

Correctness and Incorrectness in Police Uses of Deadly Force in Armed Confrontations

	<u>SHOT FIRED</u>	<u>NO SHOT FIRED</u>
Correct Decision	A person, who is armed and dangerous and an immediate threat to life, is prevented from harming the officer or another person by a use of fatal force.	A person, who appears to be armed and dangerous is not shot by a police officer, and there are no unfortunate consequences.
Incorrect Decision	A person presumed dangerous but, in fact, not actually armed or dangerous is killed by a police officer.	A police officer or citizen is killed because a police officer fails to shoot

This conception of errors in police use of deadly force is perhaps useful in clarifying for the reader the fundamental tension in any armed confrontation. The police officer in a very few seconds must assess the danger of a situation, facing the possibility that, if he fires in error, he may erroneously kill a human being. If he holds his fire when imminent danger exists (and he or another person could be saved by shooting), a human life will be unnecessarily lost.

This conception of shooting errors suffers, of course, in its over-simplicity, in several respects. First, police officers may shoot for reasons other than to save a human life. In some jurisdictions, for example, police officers may shoot to kill in order to stop an armed felon or to stop a fleeing person suspected of being a felon.

Also, it is not certain what proportion of armed confrontations involve a sufficient degree of threat to the police officer and simultaneously enable him to protect himself by shooting the opponent. It also is not certain if reducing the number of false positive errors, i.e., citizens shot erroneously by police officers will increase the risk of false negative errors, i.e., police officers killed because they held fire in a critical moment in an armed confrontation with a dangerous citizen.

Finally, this conception of "errors" in police uses of deadly force ignores a critical distinction between correct and reasonable decisions to use deadly force.

In common sense usage, an error in any decision is judged simply by the outcome of a decision. Thus, a physician may decide to operate on an ill patient. If the patient dies due to complications resulting from the operation, the operation might be considered an error. Similarly, a businessman may invest all his working capital in a new line of ski equipment. If for the next two winters no snow falls and his company goes broke, the decision might be considered an error.

The reasonableness of a decision, in contrast, must be judged by the facts at the moment of decision. If the surgeon, for example, believed, given his tests of the patient, that his needed operation had 90 percent chance of success (i.e., the patient would be significantly

helped by the surgery) and only a one percent chance of lethal outcome for the patient, then his decision to operate might be considered reasonable, despite the outcome. So, too, the businessman's decision, given the weather and economic facts available to him, might have been considered reasonable, again despite the outcome.

We would argue that a police officer's decision making must be considered in terms of the criteria of reasonableness rather than of correctness of outcome. Thus, a use of deadly force must be evaluated by the extent to which the shooting decision is reasonable, judged not from the point of view of outcome, but rather evaluated given the facts knowable at the moment of decision. Viewed in terms of the distinction between reasonable and correct decisions to use deadly force, a shooting may be incorrect (in terms of outcome) yet reasonable given the facts known at the time. The Bonita Carter shooting clearly was not a correct one. Carter, in fact, posed no life or death threat to the officer or anyone else. Yet, the officer might have made a reasonable (even if regrettable or erroneous) choice judged in terms of circumstances and information at the critical point of decision-making. Similarly, the shooting of the officer described earlier might have been preceded by reasonable, if ultimately unfortunate, choices.

This conception of reasonableness in police decisions to use deadly force must be even further qualified by an awareness that a police decision to use deadly force is in reality a series of interconnected and interdependent sequence of decisions. From this perspective, a final decision to use deadly force may be reasonably judged as a single decision. However, the realities of this final frame are clearly functions of earlier decisions. This might be illustrated in the

shooting of a black housewife, armed with a knife, by two Los Angeles police officers (Eulia Love). The final outcome, according to many observers of this incident, was largely determined by the early decision by one of the officers to place his gun in his strong right hand and his baton (which might have been used to disarm a 139-pound woman) in his left.

This discussion hopefully suggests a framework for viewing the four cases described above and a conceptual context for the analysis to follow. Some principles, useful in the evaluation of a decision to use deadly force, will be offered. First, it is suggested that one can only evaluate a use of deadly force on the basis of the facts known at the instant the decision is made. Thus, the decision to use deadly force by the officer in the Carter shooting and to withhold fire in the episode in which the detective was shot, clearly were wrong decisions judged in terms of outcome; they may not have been unreasonable decisions given the facts available at the time. (It may even be argued that, in the confrontation described earlier where the officer did not shoot, thus saving a life, a reasonable man would have fired.)

It is clear that any responsible deadly force policy must be based upon the realities of field encounters with an orientation toward the maximum safety of both citizens and police officers who might become involved in an armed confrontation. This point is worthy of emphasis because some of the major earlier treatments of police uses of deadly force by Milton et al (1977), Kobler (1975), Harding and Fahey (1972), and Tagaki (1971) have assumed either an explicit or implicit police or citizen bias. Put simply, these writers have begun with an assumption that either the problem of police deadly force is to protect excessive

citizen deaths or to protect police safety. As Fyfe (1978) suggests, the conclusions of this earlier research are suspect because the authors seek to document either a "pro" or "anti" police bias; i.e., that too many citizens are killed vis-à-vis police officers or that too many police officers are killed relative to civilians.

In these earlier studies, sympathies for the particular or potential victim of a shooting (either police or citizens) are often transparent. A "robber with a pistol," who was shot by police after he fired at them, is described in one account by a radical criminologist as a "victim of the police state." A police manual describes an unarmed woman, shot in error by a sheriff's deputy, as a "suspect" and later in the manual as a "potential offender." Tagaki (1971), in his effort to show abuse of blacks on the part of police, observes that from 1962 to 1971, police shootings of citizens increased by a factor of three--ignoring that police fatalities increased at an even greater rate.

We argue, in contrast, that any responsible policy must be concerned with both the legitimate rights of citizens and those of police officers. It is essential to protect the rights of officers involved in dangerous contacts with citizens while at the same time ensuring the safety of citizens who may be wrongfully hurt by the police. Viewed from this perspective, an "officer safety" program, designed to save officer lives at a cost of undue risk to citizens, would be exceedingly unwise. Similarly, a gun lock program, designed to slow officer reactions in armed confrontations, thus placing them at greater risk, would be unwise. From our point of view, any reforms in the control of police deadly force must be concerned with more than saving either citizen or police lives. Rather, they must be concerned, in the narrow sense that does

not encompass the "good" of society with the minimization of harm in armed confrontations between police officers and citizens consistent with a balance of risk between police officers (from being hurt by armed citizens) and citizens (from being erroneously shot, as in the case of Bonita Carter by police officers). This concept is obviously extremely provocative, as well as deceptively simple and will be discussed in greater detail in Chapter 7.

A final implication of the perspective we have offered involves the sequential nature of decisions to use deadly force. From this perspective, each of the four cases we have presented must be viewed, not only in terms of the final decision to fire or not, but rather in terms of the decisions which came earlier. Thus, for example, the officers' ability in the first incident ("The man with the ax on Market Street") to "turn" the man away from the crowd (of 800), permitted the officers to shoot the man without risk to any innocent persons; similarly, the decision to approach the car in a certain manner in the 7-11 parking lot in Birmingham obviously contributed to the tragic outcome of the Carter incident. This distinction as to the sequential nature of police decision making in armed confrontations has more than semantic importance. Research questions, given this perspective, might be properly directed at police behavior well prior to the actual decision: for example, what forces led to guns being first drawn or to a breakdown in communication between the police officer and the opponent.

CHAPTER THREE

"A TOOL OF THE TRADE"

The Psychological and Practical Uses of Guns in Police Work

Prologue: A Locker Room Conversation

It was 6:00 p.m. The tactical team would "hit the street" in less than an hour. It was three days after a riot in another city in which several people had been killed, and the officers were preparing for a night's tour with a tough tactical team in Newark, one of the most crime-ridden cities in the United States.

Officer A: Why do they give us these fucking 158 grain bullets when every motherfucker on the streets carries a .45 or 9 mm. If we get into something, guess who's going to get his ass--us or them?

Officer B: I guess they care more about the shitum getting shot than us. Hey T., pass me some shotgun shells. About six will do. Lou, wanna see me put nine of these pellets in one of the college motherfuckers who writes the rules around here?

Lieutenant: Why the fuck do I care? When I retire next year and get 20, I'm going to go out and break the fuck-ing law. I'm sick of keeping people from killing and raping each other. I want to break the fuck-ing law myself for a while.....I need to love to come to work. I hate it now. I hate robbers, muggers, and almost everyone I meet. Go shoot whomever you want. I don't give a fuck.....

The officers slowly load their 00 buckshot into the regulation magazines. Then, on go bullet-proof vests, all purchased by police welfare funds. Next, the automatic pistols are cleaned, emptied, reloaded and checked. The clicks of the magazines are synchronized with a TV re-run of the "Streets of San Francisco." James Broderick is in a shootout

with three robbers. The robbers run away. The officers barely notice. The subject turns to guns; a tool of the trade.

Officer A: Did you hear about Monty?

Officer B: What happened to that wacko now?

Officer A: They took away his gun.

Officer C: What the fuck for?

Officer A: I guess they thought that he shouldn't have shot into the bar without saying, 'Hey I'm a police officer, would you please stop rubbing these people and drop your guns, Mr. Afro-American citizen.'

[Everyone laughs.]

Officer C: Next thing you know, they'll give us pillows to hit them with. They are fucking out to lunch. It's like I was talking to him, and it was almost a castration thing, like they cut off his balls.....

Officer B: Did you guys hear about the guy up in Plainfield? Some guys from the North were up doing training and there is a class of Plainfield rookies and there was this young kid who is sitting there playing with his gun, you know rubbing it like it was his pecker.

Officer D: Did the gun go off? [Everyone laughs again.]

Officer B: Now seriously, a lot of cops shouldn't carry guns. There was this guy I knew in Philly when I worked there who once was so crazy he staged his own shoot-out. He fired into his own patrol car radiator just to make it look like he had been in a shooting. A cab driver saw it and called the station to say, 'Hey, there is this cop shooting his own car.'

Lieutenant: Sounds like he should work here!

Officer A: You know what they did to him?

Lieutenant: What?

Officer A: They sent him to a psychiatrist who said he was under stress and then sent him back to work. Now, if that was me rather than a fucking sergeant, it would have been either jail or the unemployment line.

Sergeant: OK you guys, enough of this. Roll call: M., S., B.....Everyone pay attention. Now, tonight we're going in on a gun deal up in the projects. Our snitch says that 30 guns may change hands; \$400 Luger jobs. It will come down at about 9:45 p.m., on Springfield and 17th. Be careful. Also, watch for the robbery gang that hits the buses. They come on the bus with a sawed-off shotgun, do everyone, ride two stops, and book. Try and get them off the bus before you take them. It's too dangerous to take them on the bus.

Officer A: What do we do if we see them, Sarge?

Sergeant: Careful, Al, just be careful.

Officer A: Be careful of what?

Lieutenant: Be careful of your piece and be careful his. It's dangerous out there. We don't want no problem "I.A.'s" [Internal Affairs Investigations], and no dead cops!

The final preshift rituals are being conducted as the officers cluster solemnly in pairs talking softly. Each officer almost reflexively unlocks the magazine of his automatic pistol and visibly inspects the chamber.

One officer helps his partner tie on his bullet-proof vest. Two other officers finish seemingly desperate phone calls to wives or girlfriends. The sergeant shows a telephone book of papers to an older officer. "All robberies, all fucking robberies; one guy was shot when he only gave up \$3.00; another guy was killed for pills."

Finally, without command the men walk towards the unmarked police cars in the parking lot. One officer in each pair carries a shotgun, frontier style over his shoulder. When they reach the car, they place the shotgun in the trunk.

- "Let's do it," T. tells his partner.
- Let's just hope nothing fucking happens, no shootings or nothing.
- Tac/Car 357 on Broad and Main.
- 10-4, Car 357.

As one might guess from the above description, guns for most police officers serve a number of symbolic and real purposes. Here we will describe some of the ways that deadly force might be considered a core implement of the police officers' world. First, we will consider police deadly force as a psychological tool. We will describe the role firearms play in the police officer's sense of professional identity focusing on such things as police humor, horseplay, and culture. We will then turn to the role played by lethal weapons in a variety of routine police activities. We will emphasize that the availability of deadly force is important even where shots are not fired, and the police officer does not even consider firing them. We hope to define the role guns play in policework as a means of better understanding the psychological and occupational contexts of police deadly force for law enforcement officers.

Police Deadly Force as a Psychological Tool: The gun as a tool of self-identity

Erving Goffman (1975) speaks of a professional "identity kit" which establishes the unique dimensions of a particular status or role. A professor may be sure to display conspicuously his Phi Beta Kappa clip, his Harvard Club tie, or perhaps, if he is a professor of literature, his unabridged copy of Finnegan's Wake. A construction worker may leave a lug wrench sticking out of his back pocket or wear dungarees stained with grease. A doctor may carry a beeper in his suit pocket or have an identifiably-obvious stethoscope wire dangle from his briefcase. A banker may similarly display his investment portfolio; an engineer his micro-computer and even a prostitute may display garments that give psychological evidence of her profession. Tie manufacturers are well aware of the phenomenon, and so one sees the symbols of the higher-status professions emblazoned on neckwear.

Such identity equipment serves such purposes as establishing the person's self-worth, giving information to others he might meet as to his interests and inclinations, and finally establishing a sense of status in the eyes of others.

The gun for the police officer, we argue, has a variety of similar psychological functions. The gun for many is indeed the primary symbol of law enforcement. One officer with a large number of gun fights reported:

I carry it wherever I go. It's always near me when I sleep. I take it to court and to the gym. I always know where I can get it. I know a guy on this department who got robbed when he was getting diapers for his kid. Not me. Any motherfucker comes at me, he gets this [his gun] up his asshole.

It should be noted, however, that some officers have a markedly different attitude toward the gun -- regarding it as almost an unnecessary encumbrance. One suburban officer, for example, offered "that he wasn't sure why he had to wear one." Another deputy chief added, "I hate the goddamn things. I always have. I've been on the job for 17 years and have never shot it except at the range." For others the gun is almost a forgotten aspect of the job. One man said, "You know you put on your tie, your jock strap, your watch, your badge goes in your pocket and Oh yah, don't forget your gun." While officers with negative or neutral attitudes toward guns can be found in any department, they are in the minority.

Some police officers show an opposite attitudinal structure in carrying multiple exotic weaponry. One officer carried no fewer than four ("second") guns with him at all times. A .25 is strapped to each leg. A "Deringer pistol" is kept in his coat pocket. A fourth was in his belt. In addition he carried his regulation piece. "All I need these for is that one time." Other officers prestigiously carry shotguns, "auto-burglar" guns and anti-sniper pieces. For them, their guns are symbols of their power in the world as much as they are a method for coping with violence and physical threat on the streets. Although the emphasis is upon dealing with the the violent world in the following quote from Wambaugh's Choir Boys, the psychological overtones are blatantly apparent:

"In addition to knowing your car you gotta know all your equipment," Roscoe continued, "like that pea-shooter you're carrying. I wish I could talk you into buying a magnum and carrying some good, gut ripping hollow points in

it. I want a gun that'll stop some scrote when I need him stopped. After the prick's dead I'll worry about the ammunition being department approved. I ever tell you about the abba dabba burglar my partner shot when I used to work the Watts car? Ripping off a gas station when he set off the silent alarm. We were carrying those peashooters like you got. That sucker could run the hundred in ten flat till my partner shot him, and then he ran it in nine-nine. So I made a vow to get rid of this worthless ammo and get me some killing stuff. I made a study of velocity and shock.

Another example of guns as an element in the policeman's self-identity may be found in George Berkeley's description of a particular St. Louis policeman:

He is a professional cop all the way. A riot gun stands locked in a frame near the front seat. Another part shows in his quality weapon. It's a .357 magnum, one of the most powerful guns made...

Another example of the role which firearms play in the symbolic culture of the American police is found in advertising directed at police audiences. At police conferences the vast majority of exhibits will be devoted to guns and their "softwear:" holsters, paper targets, gun sights, ammunition and the like. Bullets and revolvers are described in police magazines in terms of their "stopping," "hitting," and "penetration" powers. In magazine advertising pictures, opponents are depicted falling backwards as they are hit with the powerful round being advertized. One video tape display advertisement showed a new "expansion round" hitting a blob of gelatin, fully demolishing it. "Look what the new '357' controlled expansion round can do to your target," droned the announcer.

Magazines like The Police Chief, Police Product News, and Law and Order have many of their pages devoted to types and models of weapons, the use of weapons, the concealment of weapons, and strategies of survival in gun encounters. Of course, the relevant articles and advertising do convey important information for the police officer who must rely upon his gun. But, beyond that there is a distinct aura of religiosity about weapons in these various publications. To illustrate, the following quotes are from an article entitled, "Putting the Llama Comanche Through the Wringer" in the "Hot Lead" Department of Police Product News (Vol. 5, No. 5, May 1981, pp. 16, 17)

Gads, does time fly! While doing research for this article I was shocked to be reminded that the .44 Magnum cartridge is a quarter century old. During almost all of those 25 years, Smith & Wesson was the only company in the world making a double action revolver to chamber this "most powerful" handgun cartridge. The .44 Magnum was the brainchild of the legendary Elmer Keith, and its popularity with the masses was assured for years to come by Clint Eastwood's portrayal of Inspector Callahan in the movie Dirty Harry.

It has only been during this past year that Smith & Wesson's monopoly has been challenged with the entrance into the double-action market by such equally prestigious manufacturers as Sturm-Ruger, with their Redhawk .44 Magnum; and Dan Wesson with what probably is the most superb .44 Magnum double-action of them all.

The blued finish and metal polish on the gun was nice, but I suspect the bluing wasn't too deep as there were signs of wear

near the muzzle, apparently just from riding in the box. The side plate fit was sloppy just below the cylinder but, other than that, overall fit and appearance were very good. The heavy, six-inch barrel sports a nice integral vented rib and extractor shroud.

Police humor often involves guns, bullets and their consequences. One officer in talking about the problems he was having with a real estate broker announced to a group of fellow police officers that if the man "charged any more commission, I might find it cheaper to waste the motherfucker, but now that '9mm' ammo was so high, I'm not really sure which was the most economical thing to do." In police humor, targets of humor are routinely "wasted," "done in," "guttled," "dusted," or "blown away." It should be noted that in such humor not only criminals are portrayed as the objects of lethal force: superiors, wives, lawyers, judges, girlfriends and politicians are frequently mentioned as persons to be "hit."

Another interesting psychological use of the gun is found in police horseplay. While doing an observational study in a 'hard core area' on a Saturday night one of us observed four police officers approaching a locked precinct door. When the desk Sergeant (known to be a "good guy") did not open it fast enough, all four police officers pulled their guns out and "drew on him." The sergeant laughed and drew back on them. At times such horseplay becomes even bolder. One older detective described the following incident:

Some guys around here get carried away Like there is this one guy (he is still here) who was fooling around. I was coming out of a diner checking on a "BE AND E and he comes

behind me and says "stick em up " I feel this Deringer behind me. Now he did this kind of stuff all the time. This guy was weird. Once he brought a snake to work and left it on my seat...Anyway this time the gun goes off and hits me in the eye. I'm blinded in this eye. The union leaned on me not to prosecute so I lied and said it was just an accident, that we had taken this .22 off a hype and it went off...

A related psychological aspect of police deadly force lies in the common police myth of the "macho" police officer who is fearless in the face of all bullets. This myth is presented in somewhat farcical terms in Waumbaugh's portrayal of Bullets Bambarella of the Black Marbel:

Rocco was called Bullets Bambarella after a gas station holdup in which a robber fired eight shots at him and missed. They found an outline of 9 mm bullet holes in the wall around Rocco Bambarella. It was only his slow reflexes that saved him. Any man with normal reaction time would have jumped left or right and been killed on the spot. Rocco Bambarella, who shot no worse than anyone else in combat situations, also emptied his gun, missed all six, but saved the day by throwing a full quart of 10-40w engine oil that coldcocked the bad guy and earned Rocco a commendation and something a policeman cherishes much more --a macho nickname. He was Bullets Bambarella forever

Other nicknames we have heard to describe courageously masculine police officers include: "Bullet Holes," "357," "Tevor " "Rounds " and "Little Harry" (after Dirty Harry). And certain epithets used in reference to police officers are based upon the source of testosterone the

hormone highlighting hardness and toughness (masculinity) in contrast to its sister hormone, estrogen, which highlights softness and tenderness (femininity). These include: "big balls," "steel nuts," and "iron jock."

An incident observed by one of us is interesting in this respect. Following a fatality suffered by a member of a California sheriff's department, an officer (also shot in the same incident) was wheeled into the officer's public funeral still in critical care, an IV bottle strung above his mobile hospital bed. A week later the same officer left the hospital and went to dinner in a restaurant frequented by local police officers. The writer happened to be eating dinner at the same restaurant with a detective friend. As the police officer stumbled into the restaurant leaning on his cane, his arm in a sling, virtually half the restaurant stood up to applaud and cheer. The officer pretended not to notice and calmly found his seat.

It might be observed that there is much cultural support for the fusion of guns with the mythology of policework. The association is mediated by images of marshals dealing with gunfighters in the old West and by G-men dealing with mobsters during the prohibition era. Several critics have noted, however, that there is a certain irony in the mythology of the law enforcement officer as a gun-toter

On the one hand, the central role of the gun in the life of the Western law enforcement officer is emphasized in story after story. (In fact, the central role of the gun in the life of the old West generally is so emphasized.) A reported interview with Wild Bill Hickok is illustrative of the gun-oriented descriptions of the wild, wild West.

"I would like to see you shoot."

"Would yer..."

"That sign is more than fifty yards away. I will put these six balls inside of a circle which isn't bigger than a man's heart."

In an off-handed way and without sighting the pistol with his eye he discharged the six shots of his revolver. I saw that all the six bullets had entered the circle.

Prassel (1972) observes, however, that while some armed confrontations with desperados did occur they were rare and as often involved petty theft, drunk or loitering suspects as they did armed desperados:

The crimes of the old West consisted primarily of the same crimes most common in modern America--drunkenness, disorderly conduct and petty larceny. The wild lawlessness, the frontier's spectacular reputation is largely without substantiation. A stage passenger going through Nevada probably enjoyed greater security than does a jet passenger going over Florida a century later

It has also been noted that the Western states had often quite clear legal restrictions upon gun use, both for citizens and for police officers. Another irony is that in Eastern jurisdictions the police were largely unarmed until the latter part of the nineteenth century. Police in most urban areas more often carried a clapper (to rally citizens to his aid) rather than a pistol. The first citizen killed by an officer in New York City was shot as late as 1859. In many cities carrying of a firearm was optional for a police officer as recently as the first World War.

If the reality of nineteenth century America was far less bloody than one would expect, its mythology is of course the opposite. Many of

the legendary peace officers such as Wild Bill Hickok found employment with traveling circuses and wild West shows in the East, perpetuating a conception of the wild West that was more fantasy than reality. In the 1930's a plethora of published "histories" of the West proliferated, picturing gun battles between courageous marshals and bold outlaws, authored by such men as Walter Noble Burns and Stuart N. Lake. Pulp novels portrayed the exploits of both fictional and actual western marshals. The rise of the "cowboy" movie, followed by radio and television depictions of the West ("Gunsmoke," "Maveric," "Hopalong Cassidy," etc.) build upon the mythical rendition of the old West more directly, of course, than its reality. Urban police mythology similarly evolved as much on the basis of fiction as it did from real life. The depression era literary and film renditions of "booze runners and mobsters" vs. "G Men," for example, soon evolved into the contemporary T.V. versions of "Starsky and Hutch," "Adam-12," "Kojack" and such movies as "Bullit" and "Dirty Harry."

Acknowledging that the gun is central in police work, psychologically and defensively, we argue, nevertheless, that art shapes reality more than reality shapes art. While media producers will, of course, hire police officers (usually commanders) as technical consultants, their input into the content of shows may be far less important than is the impact of mythical literary and film conceptions of the "gun happy" cop. Police officers exist in a powerful cultural milieu, which present them daily with media images of their profession.

And the forced mythology does have an impact upon real life policing. It is thus quite common to observe police officers between arrests in the station glued to the latest account of the "Streets of San Francisco."

What precise influence such information has upon police officers is, of course, something about which we can only speculate about. What can be said with certainty, however, is that the role of the police officer exists in a culture in which great premium is placed upon certain aspects of police work: most notably the use of force, particularly the deadly kind. Such an emphasis, it might be argued, may at least encourage or feed the natural police occupational hazard of obsession with weapons. What the impact of the media is upon actual police behavior in an armed confrontation is even more uncertain, but poses an extremely provocative research question.

A final factor related to the cultural marriage of deadly force with police work lies in the reality that force (its threat and actuality) is a culturally defined essence of police work. Indeed, police departments are widely referred to as police "forces." Egon Bitner (1969), for example, writes:

The capacity to use coercive force lends the unity to all police activity in the same sense in which, let us say, the capacity to cure illness lends unity to everything that is ordinarily done in the field of medicine.

He argues that the police, while they may be involved in other actions, (such as rendering medical attention) are possessed of a unique role in that they may legitimately use force when specific legal actions they initiate (e.g. a legal arrest) are opposed. Deadly force is viewed from this perspective, not as an unnecessary or tangential aspect of the police role, but rather as a logical extension of a social role which is centrally concerned with the implementation of coercive force under specific conditions. In this view, the police officer's concern with the gun is not an

arbitrary cultural anomaly but rather reflects a core occupational reality: the legal right (and at times legal obligation) to exert force against those who may physically defy his legitimate demands; and who may possibly possess deadly force themselves.

It must be noted in conclusion, however, that it would be both unfair, as well as misleading, to portray all police officers as either "gun happy" or even "gun obsessed" as some critics have done. Even in Hollywood, some T.V. police officers -- such as "Columbo," "Barney Miller," -- rarely, if ever, resort even to the threat of their guns. And, as stated above, for many police officers in many departments the gun is a necessary evil at best. One officer noted, for example, "That it's mostly the college motherfucker-faggots who sit in an air conditioned office who get all turned on at the range because they see the gun go 'bang bang.' That kind of shit doesn't turn on a real street cop like me. It's too real, when you've seen a 10 year-old with his stomach blown open by a .45."

At least some officers in private will admit that their attitudes towards deadly force confrontations and the fear of death is far closer to terror than bravado. In the Onion Field, Wambaugh describes a very honest, crusty patrolman's reaction to a department ruling that no police officer is ever to surrender his gun to an opponent. Such a surrender had resulted in the murder of a young Los Angeles police officer, Ian Campbell:

"I disagree with the whole damn thing." He lit a cigar and there wasn't a sound in the room. Not a sound. A baby-faced cop in the front row absently let a portion of bubblegum pop through his lips.

"I been walking a beat down here pretty near as long as some of you kiddies been on this earth," the beat cop began, looking again right at the sergeant who dropped his eyes and began fiddling with something on his sleeve. "I think I maybe made as many good felony busts as anybody on the job. I think I had my share of back-alley brawls, and I even been in a shootin or two."

His voice, pervasive, enveloping, was trembling a little because he was not accustomed to making speeches. So he spoke with more force to control the trembling, and now he was growling...

"Now I'm particularly pissed off about this order because once, a good many years ago, some asshole took my gun off me. He braced me and there I was point blank from this little prick and him with a .45 pointed right at my belly and not for one little minute did I even consider somethin as stupid as this crazy shit in this order. Sweet fuckin mother, can you imagine me rollin around on the ground like some big goddamn walrus trying to knock him down, or yellin, 'Look out behind you, you little cumdrum!' Or tryin to grab that scrawny neck so I can shove a pencil through his crummy fuckin jugular? What the hell is goin on there these days?...Does this order make me a coward too? I'm wonderin if there's somebody in this room or even on that fuckin sixth floor who's got enough hangin between his legs to call me a coward too?"

"It's getting ... getting ... we're late. Let's relieve the watch," said the sergeant, walking quickly from the room.

In private many officers similarly will describe their fears of death, their abhorrence of the fake machismo of police work and what they consider a widespread unrealistic obsession with guns. One officer, for example, suggested that, "when I got on, I got into the .357 this, waste that motherfucker that, all that shit. Now it's stupid, like a bunch of kids playing cowboys." Another police officer's wife similarly observed:

The people who become cops are either bullies or the guys who wanted to be bullies but couldn't. That's what it's all about, guys still fixated on their junior-year in high school fight in the parking lot.

An interesting question arises as to the relationship between the "tool of the trade" of the police officer and the concept "police personality." One surely expects an interactive effect. That is, certain individuals choose to become police officers, and from that group, a smaller group is chosen for recruit training in accordance with general selection criteria developed over the years. On this point, Lefkowitz (1975) argues, "It is difficult to believe....that the nature of the role and institution do not result in a significant degree of self-selection and organizational selection" in regard to important personality characteristics. Thus, to illustrate, the central role of the gun might be enhanced by the selection from the general population of people for policing who are more likely to have authoritarian (militaristic) personality styles. It should be pointed out, however, that there is no substantial evidence to support that sort of conjecture, as reasonable as it seems in casual consideration.

It may be, and some, like Niederhoffer, argue forcefully in this direction, that commonality of behavior and attitudes over police officers comes from the powerful police socialization process rather than from unique personalities that make it through the selection process. The direction of operation of this process implies that police officers are socialized into glorification of the gun.

Certainly, everyone who has worked closely with the police will have noticed a related phenomenon -- the badgering of a fellow officer who did not use his weapon when deadly force was fully justified under the circumstances. "Why didn't you blow the asshole away?" "I would have shot the son of a bitch full of holes." And, understandably the comments become vastly more fierce if the decision against using deadly force endangered another officer, however remotely.

It seems to us that a function of that type of degradation (in addition to the obvious one of mutual protection) is to maintain an appropriate level of deadly force so that future users -- in particular those doing the badgering -- do not stand out. Police officers are indeed very concerned, even intimidated, by the investigations on the part of homicide, internal affairs, supervisory staff, district attorneys, etc. that follow injuries and fatalities.

Returning to the concept of police personality, most observers of the police scene agree on two police traits: sensitivity to status and suspiciousness. The relationship of these two traits is expressed as follows: "...the use of force is called upon when the policeman is treated in a derogatory fashion; when he is pushed around, spit at and made a fool of, called a filthy name" (Westley, 1968), and

...A young man may suggest that threat of violence to the policeman by his manner of walking or "strutting," the insolence in the demeanor being registered by the policeman as a possible preamble to later attack. Signs vary from area to area, but a youth dressed in a black leather jacket and motorcycle boots is sure to draw at least a suspicious glance from a policeman. (Skolnick, 1966)

The question of how the possession of a weapon affects the psychology of policing and policing encounters is of both research and practical interest. When the police officer confronts a surly gas station attendant, or an insolent juvenile robber, for example, how does the knowledge that he possesses deadly force affect the manner in which he approaches the encounter?

In describing the psychological uses of deadly force we must admit to posing more questions than answers. It appears from a range of evidence that the possession of the means of deadly force exerts some impact upon at least some police officers. The precise impact of this reality and its effect on different officers is, of course, uncertain. We rather hope to alert the reader that for the police officer the availability of deadly force may serve psychological purposes beyond the obvious one (e.g. the protection of his life and those of others). What the precise consequences of these purposes are, must remain an important topic of future research investigation.

Deadly Force in "Routine" Police Work

Another context for considering the police use of deadly force may be found in routine police actions where shots will almost certainly not be fired at a human being. We hope to demonstrate that in a variety

of police activities the awareness of the availability of police deadly force is an important social reality in understanding police/citizen encounters -- even those encounters in which shots being fired are not even plausible possibilities for either police officer or citizen.

It should be observed in this regard that actual firings of police weapons and hitting citizens are, using almost any basis of comparison, very rare events:

In New York City during the year 1979, for example, only 80 police officers fired shots that hit human beings. In 1980, there were more than 21,000 officers working for the New York Police Department. In Newark, New Jersey (as discussed above, one of the most crime ridden and violent cities in the United States), in 1980 only nine of roughly 1000 officers fired shots that hit human beings. In Buena Park, California (a city of 60,000 persons), only one officer of 93 fired a shot that hit a human being. Using another basis of comparison, the Washington State Patrol made 910,000 contacts with citizens. Of these contacts, shots were fired in only three cases. Similarly, the Los Angeles police department in 1979 made roughly 90,000 felony arrests. Shots that hit human beings were fired in but 40 of these 90,000 incidents.

Of the 124 murders in Newark, New Jersey in 1979 only one homicide was caused by a Newark Police officer. It might be further noted that of the 298 murders in Atlanta, Georgia, just nine were caused by police officers. Also of the nearly eight million persons in New York City but 40 died at the hands of the police. Nationwide, using the most conservative (largest estimates) of the 300,000 police personnel, less than 600 will kill human beings. Of the 220,000,000 persons in the United States probably less than 2000 persons will be shot at by police officers.

Similarly, assuming that the average police officer works 200 days per year and handles eight assignments a shift (reasonable estimates) and fires his weapon on the average of once every nine years (Kobler's estimate), the chances of his firing a shot on any particular assignment are roughly 14,400 to one. Even in a city with a high rate of police use of deadly force the chances of its use over assignments on any particular day will be very, very small, not very different from being involved in a serious auto accident or being beset by a serious illness.

Still those average figures conceal the widely different probabilities over officers and assignments. During one shift in an inner city, one of the authors was on "scene" to two police shootings within a five-hour period. In that department, there was an officer who used deadly force 11 times and another officer who killed ___ people, even though most officers never used their weapons in the line of duty. And Fyfe (1980) observed in his study of police use of deadly force in New York, there were many "sleepy hollows" in which police shooting was rare. In other precincts, shootings were at times a weekly if not daily occurrence.

Specialized units such as tactical teams and anti-street crime units often face a markedly disproportionate risk of deadly force. Police officers in such units may directly face many opponents with weapons in the course of a single night as well as other incidents in which challenge by an opponent with a weapon is highly likely. To illustrate this type of "high-risk" police activity, we offer selections from a log of activity from one of the author's (Scharf's) observational study with a tactical unit in Newark. During this study, all uses of guns and contacts were recorded which related to either police or citizen weapons (only one involving a shot fired by a police officer) during a

three-day period. The area was hard core and the time of year was particularly conducive to violence (July). Obviously, in other police contexts, deadly force (both its threat and reality) would be far less frequent.

Thursday: Sgt. orders team to carry shotguns due to "sniper in project."

11:00 a.m. - D. and T. load extra shotgun shells in car.

11:15 a.m. - Sgt. gives briefing involving M.O. of suspect who is known to carry stolen .45 in boot.
Tells us to be prepared.

11:30 a.m. - We are looking for armed robbery team known to have shot and possibly killed victims. Captain tells us to be careful.

2:30 p.m. - Raid of house on 16th and Avon. We cover back.
Everyone has guns drawn.

2:50 p.m. - Raid on apartment in Hays projects. Guns drawn as we go upstairs. Everyone has guns trained as we go through door.

3:30 p.m. - Guns are still unholstered as we talk to suspects in apartment.

4:00 p.m. - Guns drawn as we approach suspects of beating on apartment steps. Sergeant apologizes to them for scaring them. They check out O.K.

Friday: Shotgun shells again loaded.

7:00 p.m. - Captain reads speech about evidence following shots-fired incident.

- 7:30 p.m. - Shotguns are to be carried in car trunk from now on, drones the Sgt. "Chief caught some guy with shotgun on 'B' and E' call." Much shuffling of feet, mumbling.
- 8:15 p.m. - Drug raid on sellers on 7th and Avon. T. has gun out. L. and B., not.
- 8:30 p.m. - Check on report of bomb in hospital.
- 8:45 p.m. - Go to a "man with a gun" call. Call turns out to be an older man with a Spanish-American era gun he was trying to sell.
- 9:15 p.m. - Raid on Belsinore Hotel.
- 9:20 p.m. - Raid Room 402 looking for "Richard." Guns out as we force open door.
- 9:35 p.m. - Raid on Room 414. Richard has moved. L. has gun pointed up at door from a crouch. B. points down at door nob.
- 9:50 p.m. - Arrest man for suspicion of murder in Room 502. Find a "tog" pistol in his pocket.
- 10:40 p.m. - Snitch tells us "drug house" on Orange Avenue. Tells us that there is a loaded .38 in Apartment 2; a .22 in Apartment 6.
- 11:20 p.m. - Drug buy on apartment.
- 11:50 p.m. - Raid on "house."
- 11:51 p.m. - Woman surrenders .22 to officer W. She says she keeps it for "protection."
- 12:02 a.m. - Man opens door of Apartment 3 with loaded gun. Officer G. is waiting. "Please, sir, don't do

'anything stupid,'" G. says as he grabs pistol out of man's hand.

12:40 a.m. - Search of Room 8 produces third gun--another loaded .38.

Saturday (night)

5:25 p.m. - No shotguns tonight. Snitch reports tell of big gun sale at 11:00 p.m. near projects.

6:55 p.m. - Arrest woman on drug sales. Guns unholstered as we approach car.

7:20 p.m. - N. and C. chase man down alley. They get lost. Snitch says they have two .45's and a .38. We back up.

7:55 p.m. - Arrest older man and woman for erratic driving after leaving "drug handout." Guns out as N. approaches car.

8:17 p.m. - Older man tells N. about whom he bought drugs from. We go to bar and arrest man. N. holds gun out as C. handcuffs him and puts him in car. Twenty people watch.

9:02 p.m. - Big arrest of the night. A report comes in that car used in shotgun robbery and assault at bar. Nine people robbed, three shot with pellets as seen. We race to area. We see 1967 two-tone Eldorado/NY Plates 557.... We follow car to project turn around. T. to D.: "Should we take them? We don't have a backup." D.: "We gotta. Those motherfuckers just did nine people."

The backup approaches from the back. Lights on.
Both T. and D. exit. "GET YOUR HANDS ON WINDSHIELD."
Finally the man complies. There is an orange
towel covering his hands. He was cut in the
robbery.

9:45 p.m. - Dinner in Mike's Diner interrupted; "'455' officer
needs assistance, White Castle at..." We go.
"Cannot find" reports D.

10:00 p.m. - Off-duty officer arrests robber with gun. T. draws
gun as man is placed in back of #316 car.

1:15 a.m. - "'455.' Officer needs assistance." Officer locked
in apartment with female. Husband outside with
gun. We approach apartment with guns drawn.
Woman refuses to let us in. She demands to see
our faces. We refuse and storm out angrily
into street.

2:50 a.m. - Shots fired. Gang fight at ... We arrive with
shotguns drawn. Nothing to be seen at location...

As one can see from the above entries, for at least this unit, all
aspects of police deadly force (guns being drawn, displayed and aimed;
and the threat or reality of citizens guns) was a frequent experience.
While this unit's experience is unusual in terms of both the level of
danger and the frequency of contact with violent criminals, it should be
obvious that guns are an integral component of even their most routine
police activities.

Guns in other police environments are of course a far less frequently
used tool of daily police work. However, in all but the most peaceful of

suburban communities the implements of deadly force and the threat of their use does play at least some role in daily policework.

While the showing, drawing or pointing of weapons is a much rarer event in most units of most departments than is true of the Newark tactical squad described earlier, most patrol officers will draw their weapons in at least some situations. In some hard core areas of certain cities, it is either standard or informal police policy to draw one's weapon on specific types of "jobs" in certain types of neighborhoods. One officer in a middle sized urban police department offered: "Like there are specific calls in neighborhoods that make to expect trouble; so you have your gun cut even before you hit the stairs. Like a 1017 (domestic disturbance) in the Jefferson St. area, that's almost automatic. Also any possible 'B and E' or a robbery, you loosen the strap as you drive up and then your gun goes out as you leave the car." In other areas the drawing of weapons is far rarer. One suburban officer, for example, noted that "(I) haven't had my gun out in months except to clear it. I can't really remember when I drew it last." Another officer in the same department described the role his gun played in police work as follows: "Let's just say it's there."

Officers will also use guns in contexts where firing is not a possibility. In some situations officers will draw their weapons to intimidate a disrespectful or apparently disrespectful citizen. One officer commented:

Like when we go deal with a bunch of youth gangs in the Sullivan Street area we will pull our shotgun out of the car. It's not like we are going to shoot someone at that point. It's more like we want their attention. To make them take heed.

The possession of the means to kill other human beings, many police officers believe, creates a certain "presence" which many citizens, subtly, but certainly, respond to. One officer, for example, said:

It's like when you have a piece this gives you a certain edge in dealing with citizens. The gun may never come out, but it helps you in dealing with people, even those several inches taller. It's a myth, a hype, both for you and the citizen. You got to remember that 99.9% of all police work is showmanship.

In this view, the gun is a useful psychological tool which adds to the advantage possessed by the police officer in an encounter (presumably already established with his badge, training and legal authority) with a citizen.

Police officers, it should be remembered, think about using their guns far more often than they face situations in which they possibly might use them. One veteran officer said for example:

Like I'm always preparing, you know mentally. Like what if that guy I see on the street, mugs that old man on the street, how would I get position. What would I do? It affects how you even view driving home from work always preparing for anything. I tell my wife what I'm thinking and she thinks, I'm nuts.

Police officers will occasionally draw their weapons to "motivate" a citizen to obey a specific command. Often guns will be drawn in situations where they could not be legally used. This creates problems, some humorous, some more serious. A sergeant with 13 years experience for example, observed:

Yah, most guys are draw happy for the first several years. I remember in the beginning I'd draw my gun for almost anything: drunks, juveniles. What cured me, and I guess other guys is the first guy who looks at your gun and tells you to go fuck yourself, like "Come shoot me mother-fucker." They know better than you when you can shoot and when you can't. Your gun goes back in and soon you learn not to draw it if you're not going to use it.

It should be noted that the premature drawing of weapons may lead to an unnecessary escalated armed confrontation and possibly a shooting. In a much publicized case involving an agitated woman, Eulia Love (this case will be discussed in Chapter Four), the premature drawing of weapons seemed to be at least a contributing cause to a tragic episode. In other situations, officers have shot themselves while chasing felons with guns drawn or while grappling with citizens after they have prematurely unholstered their weapons. Also, unfortunately many officers engaged in physical hand to hand fights with citizens have been shot by the citizen (often drunk or psychotic) with the weapons they unholstered prior to the physical altercation (Chapman, 1972). Officers thus faced with the possibility of physical contact with a citizen are highly conscious of the "safety of the guns." One officer, for example, commented:

Like lets say you are in a "415" - a family disturbance. There are lots of things you can't do because of your piece. Like you can't really sit back in a chair to let them feel comfortable because if you do, you can't get to your gun. Also, if you pat a guy on the arm you have to remember to keep your gun side free. While you are being all fatherly, he might grab your gun and kill you with it.

Chapman (1972) observes that roughly 10% of all police officers killed by citizens are killed with their own (or a partner's) weapon. He writes, "Unfortunately, the very weapon the lawman carried for his own protection sometimes turned out to be his own worst liability... an officer must exert a titanic effort before allowing himself to be disarmed." (37)

The capacity both to possess and to use deadly force serves other purposes as well. One such purpose is that of identification. This is especially important for officers who are in "plain clothes" or "off duty" status. Often, but not always, off-duty or plain-clothes officers will wear their shirts out over their belts to conceal a gun placed in their belts. This is especially the case during the hot summer months. To an observant police officer (and possibly astute criminals) this buldge has significance. For example, one New York police officer observed:

When I'm in a subway station or somewhere I can tell if there are other cops there, even if I don't know them by looking for a certain bulge under their shirts, under their jackets or by their ankle [as would be indicated by the increasingly popular ankle holster]. This tells me that there are probably friends near by and I can do things [like confront certain situations] which I wouldn't do otherwise.

Another purpose served by the possession of deadly force may be found in the use of warning shots. Such shots are permitted in some departments and forbidden in others. The forbidding departments assume that the potential gain is overwhelmed by risk to other citizens as well as additional risk to the officer by the resulting escalation.

Some warning shots are fired in place of a shot aimed to kill. One officer, for example, observed:

that when this older drunk guy with a .22 turned towards me kind of drunk like. I let go a warning and then ducked behind the car because I felt that I could still get him if he came around for real. Luckily the guy dropped the rifle and put his hands up when he heard the shot. He let go in his pants he was so scared.

Another officer described firing a warning shot at a "juvenile with a knife because frankly I didn't want the hassle of shooting a kid. If he's three years older, he's dead." Still another officer faced with a "wild family fight" in front of a grocery store fired a bullet into a "stop sign" near one of the main combatants heads to "alert" him to the seriousness of his actions. Another officer (an obviously excellent shot) reported firing a warning shot between the legs of a crazed man with a machete.

Other warning shots may be fired to startle a citizen or a group of 'citizens. One officer described the effect of a shot fired to "quiet" a bar brawl as follows:

Well they were yelling and screaming and throwing bottles, so I fired a shot into the ground. A few seconds later it was like 10 A.M. in Sunday Mass it was so quiet.

Closely related to warning shots are shots fired for purposes of communication. One officer, for example, described how he fired a shot to attract the attention of other police officers when he was cornered by several angry residents of an all black tenement house:

I was in the back of this house in Springfield when these four blacks come running down the stairs. I had four of them in the bag but only one pair of handcuffs. I tried the radio but it wouldn't work in the stairwell, so I let a round go into the ceiling. That got half the tac team here in a hurry. We made four good arrests.

Another officer described a "communication" shot as follows:

Well I was off duty and this woman comes running out with her shirt off, screaming and hollering that this guy has raped her. I stop this car and soon this guy comes out of the hall with his pants down. What did you know it was the only day I didn't have my cuffs with me - I usually bring them with me. I duck in and look for them. Also I have a little sports car so I can't put him in there anyway. Also, I don't have a radio. It's February and it's cold and it's a long way to the precinct. Also it's 3 a.m. so there are no police cars around. Finally I see a "black and white" up three blocks so I let go a round. They came fast to see what was going on.

Gun shots then serve numerous purposes for the police officer: some of these are far from those one might presume from a casual observation of the police. It also should be noted that some of these uses of deadly force are either not encouraged or are actually prohibited by the police department. It is obvious to most observers that in some departments warning shots are either not reported or are reported as "misses" (even by officers who are obviously "dead eye" shots).

We have argued that in a variety of police contexts deadly force plays a number of discrete, identifiable, important, and also surprising purposes other than to kill human beings. As we have attempted to point out, the actual use of deadly force by police officers is very rare, and the use with actual injury resulting far rarer. The frequency with which a police officer will use deadly force, of course, depends greatly upon the city in which he is located and his assignment within that city. In some cities, for some officers (e.g., the tactical patrol team described earlier) the gun plays a central role in many (if not most) citizen encounters. In other less perilous settings, the role of deadly force recedes to far less importance.

Legal and Administrative Control of Deadly Force

The first level of control is state statute, the second is case law-court decisions, and the third is administrative policy of the particular department.

The granddaddy of state statutes is English common law where the use of deadly force in law enforcement was considered justified against a fleeing felon but not against a fleeing misdemeanant. The California statute, Penal Code Section 196, is typical of direct derivatives from the common law:

California Penal Code Section 196, Justifiable Homicide by Public Officers. Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance:

1. In obedience to any judgment of a competent court; or,
2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or

3. When necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest.

More recently enacted codes (the California code dates from 1872), are likely to contain elements relevant to the modern American scene rather than "olde" England. Thus, Karp (1980) surveyed statutory provisions authorizing deadly force and found 37 such laws for purposes of effecting an arrest. But, while 19 of these 37 laws stipulate that deadly force may be used if the arrest is for a felony, 15 stipulate that deadly force may be used only if the felony involved the use of a weapon, a threat of serious injury, or some variation thereof. Two stipulate an additional requirement of substantial risk that failure to arrest will lead to future injury or death.

It is worth mentioning in this context that a felony is not the same in the United States of the twentieth century as it was in England when the common law was being developed. In those days, capital punishment was authorized for all felonies, while today a felony could be so relatively trivial an offense as driving someone else's car on a joyride without approval. That difference was acknowledged in a court decision in California that ruled, contrary to the State's Penal Code Section 196, that a police officer is not justified in using deadly force against a fleeing felon unless the felony was violent or there is reasonable fear that escape may lead to future death or serious injury on the part of the officer or another citizen. The California ruling provides an example, of course, of the control of deadly force at the second level, by court decision.

At the third level of control, virtually every major department, and most minor departments, have written policy statements regarding the use of deadly force. Policy statements serve to provide more specific guidelines for the police officer in deciding upon the use of deadly force, and are generally more restrictive than state and court law. For example, the "Firearms Policy" (dated March 14, 1979) of the San Diego Police Department lists the conditions under which weapons are authorized in three major categories: Officers may use deadly force (1) to protect themselves from death or serious bodily injury; (2) to protect another officer or any other person from death or serious bodily injury; and (3) to apprehend a fleeing felon "reasonably known" to be armed with a "deadly weapon" for a felony involving great bodily injury or the threat of great bodily injury.

And the overall bias of the policy is well-expressed in its preamble:

Contemporary society, the legislature, the judiciary, and the Department place a greater value on the preservation of life than on the apprehension of criminal offenders. For this reason, the Department considers firearms to be defensive weapons, to be used only when necessary to protect human life, or to prevent bodily injury.

That clearly is not the type of bias that was expressed in common law justification.

Such legal and administrative definitions are critical to the police officer who will try to establish early in an encounter what the legal and policy options are. One experienced officer, for example, said:

When you get into something, the officer wants to know what's possible. What is the crime? How do you know? Did you see it? This tells you whether you can use your piece.

And differences in adjacent jurisdictions can be surprisingly large. That is illustrated in the following comment by a police officer:

There was this guy in Sparks [Nevada] where they can shoot you for running away with anything worth more than \$100 who was running from one of their officers with his gun drawn. The guy ran across _____ Avenue which is the border to Reno where we don't do that kind of stuff. The guy turned to the officer and yelled out, "Too bad, sucker," and took off into a parking lot.

The legal and administrative controls of the use of deadly force provide what has been called the "circumference" of police decision making to use (or not to use) deadly force. The variations of actual use within the circumference are indeed great. In Los Angeles a man who had virtually decapitated and killed a harbor patrol officer was killed (though he posed no immediate threat to the officers who had him contained) as he ran through a vacant lot armed with a machete. Another man was similarly killed as he attempted to flee from the scene of a violent rape.

Even self-defense shootings may be surprisingly varied. In some use of deadly force, the mere possession (or apparent possession) of a gun may provide the motivation for shooting. In other incidents, the opponent may point a weapon at the officer; in still others, a shot may be fired by the opponent prior to a shot being fired by a police officer. In other self-defense shootings, no lethal weapon may be present. The opponent

may physically attack the officer with his hands. In one recent incident the provocation was a typewriter thrown at the officer by a crazed man.

Overall, our collective observations and formal research indicates that officers use their weapons at a far lower rate than authorization allows. The relatively few times that officers shoot in an inappropriate or "out of policy" or illegal manner are highlighted by the considerable public attention directed at them. But the many times greater number of situations where restraint is shown, though law and policy permitted expression, go unnoticed, except, perhaps, by an award for "commendable restraint" that is quietly made in many departments.

The factors which lead an officer to a decision to use deadly force will be the central topic over the next three chapters. In these chapters we will focus upon the "risk" of a police/citizen armed confrontation (Chapter 4); the nature of police decision making (Chapter 5) and Officer Competences and Skills (Chapter 6). In Chapter 4, we begin our inquiry by focusing on the relative risk of different types of armed confrontations. We will be specifically concerned with the factors (opponents, assignments, partners and citizens present, and space and light) which make police officers more likely to shoot in one type of confrontation than in another.

CHAPTER FOUR

BARREL TO BARREL:

Differences in Risk in Encounters Between Police and Citizens

Prologue:

A. Two Lucky Cops and a Lucky Criminal

Cars 347, 348, and 349 proceed to Avon and Seventh. Informant has called station saying that car matching description of car in tavern robbery was seen at that location. Use extreme caution. Suspects are believed to be armed with shotguns. Tavern robbery involved shots fired at victims. Car is two-tone American style coupe, about 1970, red and white. Repeat, two-tone coupe, red and white, License 943 Victor Victor Boy. Consider suspects armed and dangerous.

The tactical officers placed the magnetic red light on top of the car, did a wide U-turn in traffic, and sped through several intersections.

Officer A: Probably a big fucking nothing, but if we see them, stay down Doc. The police director don't want to lose you.

Officer B: What street goes into Seventh?

Officer A: Carlton

Officer B: Let's swing up it then so we can come up behind him. Hold on now.

Officer A: There's a two-tone car up there parked up on Seventh at the corner. Think that's him?

An older two-tone car with a single driver suddenly started driving down Seventh Street. The car moved too slowly to be an unconcerned motorist. Even before the officers could read the license plate, they knew they had their car. Slowly the tactical car moved through the traffic in back of the suspect's car. A young black man was driving, holding an orange towel over the steering wheel. He nervously looked backwards at the police car, as if in disbelief.

Officer A: Let's flash the lights; see if he'll stop.

The suspect car started driving more quickly onto Springfield Avenue, onto a bridge, then over towards the large, crime-filled housing projects. All police officers in the city knew that to lose a suspect in the projects, meant probably losing them for good. Police officers, except in large force, would rarely enter above the third floor of the large red buildings with most of the windows broken and violence filling every floor. Finally, the car stopped in a loop in front of the housing projects. The door of the driver was slightly ajar.

Officer A: Should we wait for backup? He may have a shotgun.

Officer B: This motherfucker done robbed nine people and shot three; we gotta do it. Stay down Doc.

Just then, another tactical car approached from the back. A white officer jumped from the car with a shotgun aimed right at the car. The second officer in the car jumped out with a search light illuminating the suspect's car but also blinding the two police officers with their guns pointed at the windshield of the two-tone Ford.

Officer A: FREEZE, POLICE! PUT YOUR HANDS ON THE WHEEL!
PUT YOUR HANDS ON THE WHEEL! PUT YOUR HANDS
ON THE WHEEL WHERE WE CAN SEE THEM! SLOW!

The man almost deliberately with an unnerving sullenness slowly placed his hands on the wheel; however, he still clutched onto his orange towel.

Officer A: Now drop that fucking towel.

The man slowly complied. With great speed, Officer B. reached into the driver's side of the car and grabbed the man by his forearms. A young, very sullen black man, who appeared very "stoned" and wearing dungarees and a white undershirt, spread himself on the car.

Officer C: Where were you at 5:00 p.m., tonight? Some of your friends say you were shooting some people in front of Brown's Tavern. Looks like you got hit yourself.

Man: It wasn't like that. It was a private beef. I swear man.

Officer D: Lookey here (he pulls a shotgun from the back seat of the car). Bingo, just like the gun that was used in the robbery, and look what we got in his pockets (he digs roughly into the man's pants), shotgun shells. Nice guy we got here.

On the way to the precinct, the observer asked Officers A and B about how they handled the incident. "How did you find the car?" "Just fucking luck," came quickly the response of Officer B. "Just fucking lucky." "It never happens like this. Usually you are three hours late. It's cause the snitch called the station house--that's how we got here so quick. Otherwise, if they called communications, we would have been in bed and so would he (pointing at the prisoner in the rear seat) before the call came in." "How come you didn't shoot him?" the observer continued ignoring the prisoner listening through his amphetamine haze with obvious interest. "How come you didn't shoot him when you saw the towel come up? You didn't know if there was a gun there or not." "Don't know," was the response of Officer A. "To be truthful, the lights of C.'s car (the other tactical officer) were so bright, I couldn't see what was happening. Given what I saw, which wasn't that clear, I didn't feel I had to," Officer B. added. "Just put it this way, we were motherfucking lucky to catch him. He is goddamn lucky to be alive. It's as simple as that. Hey, A., call headquarters and get an arrest number for this motherfucker. I bet he has so many fucking warrants we won't eat till midnight."

B. High Noon

"Frank Miller has been released from jail," is the message to Gary Cooper who plays a marshal, Will Kane, in one of the most popular Westerns of all time, "High Noon." His plans at the time of that notification were to leave his job as marshal in a small Western town and settle in another town to take up storekeeping. He had just married his Quaker girlfriend Amy (played by Grace Kelly). Kane had been instrumental in sending Miller to the penitentiary, and Miller, with the aid of three other desperados, intends to kill Kane in revenge. The three cohorts meet Miller when he arrives on the noon train, and all four set out for the main street of the town to confront Kane. As one observer says, "blood will surely be shed." All of the townsmen who the marshal had hoped would aid him in confronting Miller and his gang refused his pleas for help; cowardice was the obvious motivation. The marshal must meet Frank Miller and his three armed henchmen alone.

"Do not forsake me, oh my darling, on this our wedding day....."

As Miller and his men approach the town on foot, the brave marshal, armed with two six shooters, sees them coming and positions himself with an admixture of fear, frustration, and tension. He had been urged to leave town, but his sense of duty made it necessary for him to stay.

The four desperados draw. Marshal Kane fires first; one desperado falls dead on the street. A chase begins which finds the courageous Marshal Kane cornered in a barn. Miller sets fire to the barn but Kane escapes while riding protectively under the belly of a horse -- Kane shoots and kills another desperado during the barn scene. In the next scene, Kane, now wounded, is in a store where he is threatened by Miller and the one other remaining bandit. But, then, Grace Kelly kills one of the bandits, overcoming her Quaker principles, because of the need of

her husband who had been deserted by everyone else. That leads to Miller finding her in a hiding place and taking her hostage. "Come out," he yells to the marshal. The marshal walks out from his cover into the street, apparently to certain death. Now Grace Kelly scratches Miller's face, disabling him for an instant. Will Kane fires four times, killing Miller....." "Do not forsake me, oh my darling, on this our wedding day....."

We placed the two types of armed confrontation between law enforcement and citizen, real-life in Prologue A and fictional in Prologue B, to highlight the complexity and uncertainty of the former as opposed to the frequent simplistic predictability of the latter. In Hollywood encounters, particularly, the armed confrontation resembles a stylized ballet with the law enforcement agent first ordering the bandit to "drop it"; the bandit refusing; the law enforcement officer drawing last, but almost inevitably the bandit lies dead in the center of the street, often in broad daylight.

In this chapter, we will directly face the complexity and unpredictability of real-life confrontation. After defining the term armed confrontation, we will describe some of the different types of armed confrontation commonly faced by police officers. We will also discuss the concept of risk and how it affects the likelihood of an officer's firing a shot in an encounter.

Police/Citizen Armed Confrontation: A Unit of Analysis

One way to think about the types of armed confrontations faced by police officers is to think about them as a subclass of all police encounters. Fatal shootings, hits, and shots fired, in turn, may be conceptualized as possible, but not necessary outcomes of armed confrontations. Suppose, in a hypothetical precinct in a particular year, police

officers make 50,000 contacts (of all types) with citizens. Of these 50,000 contacts, perhaps 2,000 might be considered high risk contacts in that the citizen has committed a dangerous felony (i.e., armed robbery), or there are other reasons to believe the person to be dangerous. In a far smaller number of such contacts, say 500, the citizen will display such resistance to a legal request of a police officer (for example, refuse to leave a tavern, resist arrest, etc.) that a confrontation might be said to exist between the police officer and citizen. In an even smaller number of incidents (perhaps 50), the citizen will have a dangerous weapon available and threaten to use it or the officer will have other reason to believe there is high likelihood it will be necessary to use his gun. This type of confrontation is an armed confrontation-- the topic of this and the next two chapters. As we shall observe, situational, episodic, and officer characteristics will determine the outcome of a particular armed confrontation. In some armed confrontations, no shot will be fired by the police officer, nor by the opponent; in others, a shot or shots may be fired, missing, hitting, or killing an opponent or a police officer.

The summary below, with hypothetical but realistic numbers, drawn from an "active" police precinct, illustrates the relationship of armed confrontations to other police/citizen contacts and outcomes:

IN 1980 THE X PRECINCT --

1. Responded to roughly 100,000 "calls for service": e.g., a dispatch to a specific circumstance-person incident where there is need of medical help, suspicious person, domestic squabble, etc.
2. Of these 100,000 calls for service, 50,000 persons were actually contacted (questioned, arrested, etc.).

3. Of these 50,000 contacts, 2000 are classified as high risk due to nature of call or citizen.
4. Of these 2,000 high-risk contacts, 500 result in a confrontation in which there is resistance to a legal request by the law enforcement officer.
5. Of these 500 contacts, 50 result in armed confrontation
6. Of these 50 armed confrontations, 40 result in no shots being fired by the police officer.
7. In the remaining ten armed confrontations, where shots are fired, in eight the officer misses.
8. In the remaining two confrontations, one officer hits but does not kill an opponent; in the remaining confrontation, the opponent is killed.

The above illustrates the relationship of armed confrontations to other police/citizen contacts and also to outcomes of police shootings, misses, hits, and kills. As one can see, armed confrontations are relatively rare in terms of all police contacts; however, it should further be noted that a shot being fired by the police officer is but one possible rare outcome of an armed confrontation. By this definition, an armed confrontation will signify an encounter between: (1) citizen(s), and (b) police officer(s) in which all of the following conditions are present:

1. Firearms are available to one or more of the parties involved.
2. There is the threat of force by the citizen or the fear of the threat of force by the officer.
3. There is the mental awareness on the part of the police officer or citizen that he or she might require the use of deadly force to resolve the encounter.

Using that specification, an armed confrontation clearly need not result in an injury or death -- indeed, in an armed confrontation a weapon might not even be used.

An example (a perhaps typical one) of an armed confrontation is found in the encounter described to us by an urban police officer:

My partner and I were on general patrol when we got this call that there was a robbery in progress. When we encountered the suspect [a hostage taken and then released in the robbery identified him], he walked real calm down the street. I don't think he saw us. When we confronted him he hesitated. He kept fiddling in his pockets saying nothing. We hollered again for him to put his hands up. He looked around for an escape route. Finally he pulls a gun out and fires at us three times. Luckily he missed and luckily we got him before he shot us.

In this armed confrontation, both parties were armed, both recognized the situation as potentially involving a need to shoot, it occurred in an open street, and the citizen was a felon. In other armed confrontations, however, only the police officer may be armed. In some situations the citizen may appear to be armed but in reality not be armed at all or not even pose a plausible threat to the officer. An example of that situation may be found below:

A good samaritan who was mistaken for a beating suspect in West Hollywood Saturday night was shot and killed by a Los Angeles sheriff's deputy just after the man had helped the beating victim and called police.

Twenty-eight-year-old Steven Conger was killed as he stepped away from a pay phone where he had gone to make the call. Moments before, Conger had carried the beating victim, Jack Gonor, 63, up a flight of stairs to Gonor's room in a West Hollywood motel.

A spokesman said Deputy Francisco Jimenez, one of four deputies to respond to a "man with a knife" call at the Fairfax Motel, 913 N. Fairfax Ave., was running down the motel's driveway with his gun drawn when Conger "suddenly" came out of an alcove where the pay phone is located.

In this example, the basis for specifying an armed confrontation was unilateral; only the deputy sheriff was armed and only the deputy sheriff had a fear of force. Incidents in which there is definitional ambiguity as to the status of a confrontation reminds us of the methodological caution suggested first by the symbolic interactionist school of sociology in their argument that common social encounters may be defined quite differently by different social actors. Thus, as in the case of a man on a bus who falls in love with a fellow passenger, while she regards him as a total non-entity, social reality may appear quite differently to particular social actors. Similarly, as with the shooting of Stephen Conger, only one party in police/citizen encounters apparently conceived of the encounter as directly threatening. This lack of symbolic consensus as to the meaning of the encounter may be seen in police armed confrontations with dazed, psychotic or drunk civilians who define their actions very differently from the police officer.

Varieties of Risk in Encounters Between Police and Citizens

Armed confrontations are extremely varied social events. For example, in one city the following armed confrontations were recorded during one six-month interval. It should be noted that the averted shootings among the armed confrontations listed were, of course, only those that came to the attention of police administration (probably overrepresented were types in which officers were recommended for medals or where the arrests were especially glamorous.)

- | | |
|------------|---|
| January 2 | Patrol car faced down; disarms armed robber in liquor store. |
| January 4 | Off-duty patrolman wrestles pistol away from armed robber who placed gun in officer's stomach during armed robbery. |
| January 12 | Patrol officer disarms juvenile armed with zip-gun after short struggle. |
| January 16 | Officer fires shot at car escaping from armed robbery. |
| January 18 | Two officers disarm boy fourteen who shot three children in junior high school. Boy waved gun at officers, but no shots were fired by officers. |
| January 18 | Two officers fire four shots at stolen and escaping oil truck. |
| January 20 | Officer aims at fleeing bank robber; holds fire. |
| January 23 | Officer wounds man threatening him with screwdriver, in alley, following pursuit of driver of stolen car. |
| January 30 | Detectives disarm man behind on child support, armed with knife. |
| January 30 | Tactical Patrol arrests man armed with pistol wanted for murder. |

- February 14 Officer wounds two "B & E" suspects who had assaulted him while searching a building with other officers.
- February 19 Decoy patrol arrests armed robbery team in store without shots fired.
- February 26 Officer fires shot at car which attempted to run him down.
- February 27 Off-duty officer disarms armed robber in tavern without shots fired.
- March 1 Two officers disarm man attacking police officer with knife [no shots fired].
- March 8 Armed robber confronted by patrol team. No shots fired.
- March 10 Burglar with pistol disarmed by patrol officer.
- March 15 Two officers shoot at but miss two street robbers caught in act of robbing older citizen on street.
- March 16 Insane man with .22 pistol disarmed by SWAT team.
- March 17 Officers fire shots at fleeing vehicle.
- March 23 Narcotics squad raid drug dealer's house. Man threatens officers with machete but is disarmed.
- April 1 Three officers fire shots at man with shotgun, escaping from liquor store holdup.
- April 17 Woman with broken bottle attacks police officer but is disarmed.
- April 15 Officer kills man who had attacked another officer with hatchet and then turned towards officer [who finally killed him on public street].
- April 25 Man with nephew as hostage holds SWAT team at bay for six hours. Finally surrenders without shots being fired.

- April 16 Off-duty-officer is killed while interdicting armed robbery in tavern.
- April 17 Man fires shot and is disarmed by police officer.
- April 27 Warning shots fired by single off-duty officer at fleeing larceny suspect.
- April 30 Armed robbers in car disarmed by detective team.
- May 23 Officer in decoy operation fires single shot at robbery suspect.
- May 27 Traffic officer disarms man stopped for traffic violation and pulled gun on officer.
- June 13 Officers fire shots at truck which tries to run them down.
- June 16 Officer arrests [without shooting] fleeing rapist who turns and confronts him with knife.
- June 24 Officer arrests insane man holed up in hospital waiting-room with gun.
- June 28 Police officer disarms young woman who threatens boss with loaded pistol.
- June 29 Officer wounds combative man after intervening to "quiet" fight in tavern.
- June 30 Juvenile officer disarms at gunpoint two juvenile gang members armed with small caliber weapons. One juvenile then turns and escapes.

Obviously each of these armed confrontations is unique in terms of many dimensions (e.g., type of opponent, duration of the encounter, number of officers present, spacial arrangements and justification). One dimension used frequently for classification in previous studies is that

of preceding event; Table 1 illustrates the use of that classification in four such studies. It is important to point out in considering these studies that the respective researchers focused not (as we will) on armed confrontation but on police shots fired (e.g., Fyfe, 1978) or shots which hit opponents (e.g., Milton et al, 1977) or fatal shots fired (Kobler, 1975 and Robin, 1973). In this context, it is worth noting that the event leading to the use of deadly force depends upon social, political, and administrative conditions; types of confrontation differ from city to city, precinct to precinct and even month to month. Some police departments report high rates of armed confrontation with juveniles crazed by PCP; other jurisdictions may have virtually no such contacts with "dusted out" adolescents but commonly experience confrontations with armed bank robbers. It may be that administrative policy contributes to the incidence of particular types of confrontations faced by a police department. For example, a rule restricting high-speed chases might make less likely confrontations with "joyriding juveniles." Similarly, a "rapid response" capacity for in-progress robberies may encourage certain types of confrontations with armed robbers.

More recent research has focused upon the actions of the opponent prior to the use of deadly force by a police officer as another dimension for classification. Meyer (1980), for example, has analyzed (over a five-year period) the reported actions of opponents immediately prior to a shot being fired by a police officer in his recent "audit" of shots fired by the Los Angeles Police Department. A summary of his relevant data is contained in Table 2.

While such classifications are extremely useful, focusing solely upon incidents where police officers shoot necessarily omits critical

information. For example, in how many cases where a Hispanic citizen threatened a police officer was deadly force avoided? It also is important, as we have suggested, to develop classifications based upon more dynamic aspects of armed confrontations. This type of thematic portrayal of armed confrontation could give some insight as to the risks of particular types of armed confrontation and how these risks are interpreted by the police officer himself. Police officers perceive an off-duty incident with a "wacko" (i.e., a psychotic person) in a dark alley very differently than they do an on-duty confrontation with a bank robber, faced with a team of officers during broad daylight.

Other questions which our analyses will attempt to answer include the following:

1. Which types of confrontation present the greatest hazard in terms of use of fatal force?
2. What are the most common types of opponents faced by police officers in armed confrontations?
3. Of the total number of types of armed confrontation, which particular types of incidents most frequently result in a shot being fired by a police officer?
4. What types of training are most appropriate to particular types of confrontation?
5. Is it possible to develop special training methods to avert particular types of shootings?
6. Are there interactions among types of armed confrontations (for example, an apparently insane opponent in an off-duty confrontation) which makes a particular type of confrontation inordinately risky?

The Concept of Risk in Police-Citizen Encounters

Key in responding to these queries is our ability to identify which types of confrontation possess the greatest hazard for police officers. Simply knowing the relative proportion of incidents which result in a fatality or a wounding by a police officer will not be very helpful. Knowing the proportion of hits or fatalities associated with a particular incident tells us little about the relative hazard of such incidents. For example, knowing that 25% of all New York City shots fired evolved from "disturbance" calls (Fyfe, 1977), does not yield any useful information about the relative danger of such calls. Such information is similar in kind to knowing that in a certain city, 25% of all deaths were related to influenza while only 1% were related to the always fatal Myasthenia Gravis (or Lou Gehrig's disease). From such information one might (wrongly) conclude that influenza was more hazardous than is Myasthenia Gravis. In reality, Myasthenia Gravis is infinitely more hazardous; however, it is also far rarer. The lower proportion of deaths from Myasthenia Gravis is attributable to its rareness, not its benignity; similarly influenza causes many deaths because it is an extremely common, if only occasionally, fatal disease.

While this analogy seems obvious, its essential implication is missed by police researchers who attempt to analyze police-citizen armed confrontations on the basis of police shots fired (or even worse, "hits" or fatal shootings) without delineating the relationship of such events to all armed confrontations. Thus, if one wishes to know the relative hazard of a particular type of confrontation, one must know not only how frequently shots were fired in this type of incident, but also how many confrontations of this type were encountered by police officers. Let us, for example, consider the finding by Milton et al., (1977) that 32% of police uses of

deadly force (in their seven-city study) evolved from disturbance calls while only 21% evolved from robbery calls. To establish the relative risk of each of these types of call one must establish the total frequency of each call, the frequency of armed confrontation which evolve from such calls and the frequency with which each of these armed confrontations results in a shot being fired.

For example, consider the following hypothetical relationships:

In City X there are 4,000 robbery calls. Arrests are made in 2,000 of these cases. In 215 incidents there was an armed confrontation between the police officer and the citizen. In 10 confrontations the opponent was shot at by a police officer. Shooting, thus, occurred at rates as follows: .25% of robbery calls, 50% of robbery arrests, 4.8% of robbery armed confrontations. In the same city there were 50,000 "disturbance" calls. In 500 of these there occurred an armed confrontation resulting in 14 shots or fired incidents by police officers. Shooting, thus, occurred at rates as follows: .028% of disturbance calls, 2.8% of disturbance armed confrontations. These data, in summary, state that the risk of a shooting in a robbery call is 1 in 400, while the risk in a disturbance call is 1 in 3571. Similarly, they show that the risk of an armed confrontation is 1 in 19 in the case of robbery and 1 in 100 in the case of a disturbance call.

Judging from these hypothetical data it is obvious that while representing a smaller proportion of total calls, robberies have a

significantly higher risk than do disturbance calls, in terms of both likelihood of armed confrontation and likelihood of shooting. While these data are hypothetical (though based on a rough guess of reality), they should illustrate that the concept of risk requires knowledge about base line frequencies.

To further our understanding of risk in police-citizen encounters, we will turn to consideration of various factors that are linked to relative risk, subjectively as well as objectively evaluated.

1. Perceived hazard in police-citizen encounters. Clearly, encounters of varying types pose to officers rather different levels of hazard of physical injury. In some encounters, the immediate peril may be minimal as when the officer confronts a person fleeing from a crime and the person disposes of his weapon. For example, one officer described the following incident:

He came right over with his gun to these guys who were warming themselves over a fire in a trashcan and shoots one of them. I rode up and yelled for him to freeze and drop it. He throws his gun up on a snow pile and then runs. I fired but missed him, knowing he was extremely dangerous, not to me, but to society as a whole.

In other situations the hazard may be immediate and imminent:

All of a sudden, in the middle of this crowd, this one guy comes over me with a crowbar. I thought he was trying to kill me. I shot him right before he came down with it.

Frequently, the hazard may appear greater to the officer than is actually the case. At times the officer may infer hazard from the context of a confrontation or the behavior of the opponent which, while

not factually accurate, is believed to be true in the psychological context of the confrontation. For example, consider the case of an LAPD officer who fatally shot an unarmed robbery suspect:

An unarmed robbery suspect was shot and killed Saturday by an officer who believed he was reaching for a weapon, Los Angeles police said.

A male attendant was forced to commit an act of oral copulation and sodomized at gunpoint by two of the suspects, police said.

As the gunmen fled with an unknown amount of cash and jewelry taken from the attendant they fired one round at the unidentified man, missing him, police said.

The gunshot was heard by two uniformed patrolmen in the area, said Lt. Charles Higbie.

Aided by a helicopter, the officers arrested three suspects in a car near 49th Street and Normandie Avenue, Higbie said.

Jackson, who allegedly jumped from the moving car, was observed on a porch on 46th Street..

He complied when officers asked him to place his hands behind his head but dropped them as he walked toward them, the lieutenant said.

Officer Victor J. Pietrantonio, 31, who told investigators he thought the suspect was armed because of a bulge beneath his clothing, fired one round from his service revolver, Higbie said.

Jackson was hit in the abdomen and died later at Western Park Hospital.

The suspect was unarmed. Police said they found property taken in the robbery in the suspect's clothing near his waistband.

The essential point is that decisions to use deadly force are based upon subjective, not objective, evaluations of degree of risk. And the evaluation by a given officer in a given context is a function of the officer as well as external circumstances.

2. The control of options. Another factor that determines the risk of an armed confrontation or a shooting is the degree of control which an officer possesses (or feels he possesses) in the encounter. In some encounters an opponent's behavior may be so unpredictable as to make the officer feel that nothing he might do would have any impact on the opponent. Two officers, for example, found an insane man in a motel room who had just killed his sister and was apparently cannibalizing her. On being confronted by the officers and being told to remain still, the man persisted in moving towards a back room, where police officers believed there was a loaded weapon. In another situation, a police officer working as a hospital security guard was called to an

emergency room, where a man was repeatedly stabbing his brother. Despite the repeated commands of the officers, the young man repeatedly stabbed at the brother, never even acknowledging the presence of the officer.

Other aspects of perceived control relate to the actual options of the police officer himself. In some confrontations, where cover is available, the officer may at any point choose either to fire or not fire at an opponent without risking his immediate physical safety. In other circumstances where there is no cover available, the possibility of retreat or even holding fire may be virtually impossible. Consider, for example, the following description of an incident by an officer:

I walked up to this guy to arrest him, but before I got there he turns and sees me and suddenly starts to draw. Luckily his gun caught on his coat pocket. I had no choice; no cover or nothing. If I was somewhere else I might have waited.

In such incidents, the officer possesses few options other than to fire. Protection, cover, dialogue, backup support and even flight are all implausible (if not impossible) options.

Time-frame and Officer Preparation

Another factor affecting risk in encounters lies in the degree of preparation available to the officer and time-frame of the encounter. Armed confrontations last from many minutes (or even hours) to a few seconds. A description of a rather long (roughly six-minute) armed confrontation follows:

I was on patrol with Officer S. We were advised, by radio, to assist with a stolen motorhome involving a 245B [assault on a police officer]; the motorhome was involved in numerous

accidents. The assault clearly was intentional. Approximately one minute later we saw suspects approaching on the median divider which is 12 to 15 feet wide. We started gaining speed to follow the pursuit. The motorhome was riding approximately six inches from the fence. The suspects were approaching at 70 mph. We heard what appeared to be gunfire at this time [later investigation proved that these shots came from Los Angeles deputy sheriffs]. Two sheriff's deputies were in front of us in the pursuit. We were in the third car. Traffic seemed to slow. Suspect was weaving between the number one and number three lanes. As he went through the lanes he intentionally rammed several cars. When all three lanes became blocked he returned to the median divider lane and plowed through several cars on either side. We continued in this fashion going between the number one and number three lanes. The suspect at this time proceeded to ram citizens' cars. There were numerous traffic crashes: approximately 37 collisions in four and a half miles. Soon one of the deputies in front of us got blocked in a slow lane. The other sheriff's deputies' car attempted to get on his side. He immediately was rammed and forced to slam on brakes and was knocked onto the dirt on the side of the road. We then found ourselves as the lead car directly behind the suspects.

We went directly behind the suspects' car, going wherever he went. At this point we began to talk among ourselves. "Watch out for this car, watch out for that one, oh, he hit another." At this point I suggested to Officer S. that we

shoot out the tires. We observed one tire shred and flattened but as this was a dual tire on the back, it hardly mattered. Then we saw the motorhome ram a Honda Civic and literally demolish it. At this point we began discussing the possibility that the suspect was about to kill someone. We had seen numerous accidents and there was no way to terminate pursuit. After seeing the Honda demolished we saw him sideswipe another car and literally knock it into the dirt. At this point we contemplated shooting the driver. Officer S. said that he had been thinking about that and said it was necessary... I said he's going to kill someone or already has. We thought of sideswiping him but didn't have the angle or power, even though we had a large Dodge, to knock him off the freeway. Officer S. agreed. Officer S. leaned out of the car with the shotgun, leveling it on his leg. The suspect drew back. I was watching his hands. He leaned forward and shifted his hands as if he was going to sideswipe us. At this point Officer S. fired one shotgun round, our only round left, striking the suspect in the head...

These two officers faced perhaps an unusual decision in that there was considerable time to decide (and even discuss) whether shooting the driver of the R.V. was justified. At several points during the pursuit the officers made conscious decisions, first, to continue the pursuit; they then made the decision to shoot at the car; finally a decision was made to shoot the driver. Most police shootings in contrast, occur during much shorter confrontations in which the time between first encountering the suspect and the decision to shoot may be less than a

minute, perhaps only a few seconds, involving inevitably fewer identifiable decision points. In such situations, decision-making is far less deliberate. In this type of confrontation, the decision to shoot at times becomes an almost reflexive response to a set of immediate circumstances. In a recent incident of this type, a police officer shot a man who suddenly pulled a shotgun from under his raincoat. The total time which elapsed from the officer encountering this citizen to his death was calculated at less than 15 seconds. One of the officers involved in the incident describes it as follows:

We were coming in in August, a few summers ago. It was right after we had had dinner in Mike's diner. All of a sudden my partner sees this guy with gloves, a trenchcoat and a hat on, in August. My partner was coming in to call his wife, who was sick to find out what was wrong and we were talking about that. All of a sudden he walks towards us and we see something sticking out of his coat. My partner says "he's got a shotgun." First, I dove out of the car. He bailed out the driver's side. I fired six shots. So did my partner. Later we pulled the shotgun away from the guy. He had spasms; bled from the mouth; and finally died. He hit him just as he stepped in front of us. He never got to point his gun. It was .00 buckshot. It turned out the guy was a murderer who had escaped from Rahway [prison]. He didn't want to go back alone, I guess. He could have killed us, killed us in less than six seconds. That's what the whole thing took, six seconds.

The differences in the two incidents are, of course enormous. In the first incident, the decision to shoot was deliberate, rationally justified

prior to the action, and made with the support of another officer (his partner). It was a relatively long armed confrontation, although it lasted only six minutes. The officers were able to consider their options, their alternative actions, and the consequences to those alternatives prior to firing the fatal shot. In the second armed confrontation the officers' behavior was almost reflexive; as the officer noted, the whole incident lasted perhaps less than six seconds from the moment they spotted the armed man to his death; the actual time-frame between the officer deciding to shoot and actually firing may have been less than two seconds.

Opponents and Risk

The type of opponent may be said to affect directly the degree of hazard and control faced by the police officer in an encounter. Research by Fyfe, 1977; Milton, 1978; and Sherman, 1980 indicates that opponents in police armed confrontations are overwhelmingly male, young (aged 16-25) and black. Much has been made of the "over representation" of blacks as victims of police homicide (e.g., Tagaki, 1971; Knoohuizen et al., 1972 and Kobler, 1975). However, others have demonstrated (see Fyfe, 1977 and Harding and Fahey, 1973) that the number of black victims is roughly equal to the overall racial breakdown of persons arrested for violent felonies. For example, Harding and Fahey (1973) found that blacks accounted for roughly 70% of the police homicide victims and 74% of violent arrests.

Buried within these aggregate racial and age statistics are some surprising variations in the types of opponents with whom police are likely to become involved in an armed confrontation. Moreover, different types of opponents will behave quite differently in the confrontation. Three types of opponents present unusual characteristics and are worth special attention:

1. Instrumental Opponents

One type of opponent is what might be called the instrumental

criminal who engages in a shooting exchange or physical conflict as a desperate means of escape. One such criminal was described as follows by a police officer:

Well he was up for murder; he was going to do 99 years if we caught him. I guess he thought that if he shot us he wouldn't add much to his time.

Another officer similarly described a professional "cat burglar" who assaulted the officer in his effort to escape; "Well, he figured by knocking me over, he would avoid doing time." A narcotics dealer who was wounded by a narcotics officer was described as follows:

It was a narco investigation. We had set it up for three weeks. We had a couple of sales on him. My partner went up for the final buy and we bashed in the door. We yelled police, but he went into his room, where we knew he had a gun. I guess he wanted to shoot his way out. He reaches for his gun in a closet. He thought he could hit the window and get out but didn't make it.

Instrumental opponents are, paradoxically, frequently preferred by police officers as opponents in armed confrontations. One police officer said, "They do their thing, we do ours. A professional criminal will shoot to get away but usually will not try to kill you." Another officer suggested, "Look, that guy just wants to be another black kid in sneakers. He is shooting, not to kill you but to escape. He won't try to kill you unless that's the only way out for him." A deputy sheriff similarly suggested, "If all he wants to do is get out of there, he is less likely to do something stupid. He is shooting to distract or stop you. He

may kill you, but that's not the main thing he is trying to do." Another officer commented regarding the instrumental opponent, "Look, its a big game out here. You try to get them. They try to get away. Shooting is just a part of the game--except it's when people get hurt."

Often instrumental criminals are perceived as being emotionally calm, almost business-like during the confrontation. One armed robber was described as "cool, almost like we had just a bit distracted him by busting in." Another escaped murderer reportedly smiled and waved at the police officer as he escaped over an alley fence. Another professional cat burglar was described as "icy cool. Like I caught him at work." At times, however, strong emotions reveal themselves in even the most hardened of professional criminals. An officer described killing an already wounded professional gunman with a sawed-off shotgun:

I saw him running from the bar. He was hit with several shots and fell down. My partner,.... said, "X. [the officer], kill the motherfucker, he's got a sawed-off shot gun." I didn't really see the gun. I shot as he wiggled the gun up and down at me. A burst of air comes out of the body... He lay there, it seemed like a minute. I will always remember his expression. I guess he didn't want to go alone.

2. The Apparently Insane

A different type of opponent may be found in persons who are either temporarily or actually deranged (due to psychosis, drugs, or alcohol). The shooting of a biochemist, named Burkholder, provides a vivid example of such a confrontation with an insane person.

[The officer, Sergeant Barz] was driving northbound on Hoover when he observed a male person without clothes jumping up and down in the middle of London Street close to Hoover...

Barz reported on the radio that the man was also psycho and requested code 2 (without delay) assistance... Barz stated that at about the same time as he had made his second broadcast the man came off the signpost [upon which he had been swinging], ran towards the police vehicle and started banging on the right front passenger window and door of the car with his hands and fists.

...Barz concluded the man was not an exhibitionist, he believed he was "high on something or psycho or something like that." For this reason, Barz "tried to be cool" and asked the man what was going on or words to that effect so as not to antagonize him.

The man advanced towards Barz making "kind of chopping-type motions" with both hands, the arms held out horizontally. The naked man stated, "I know Kung Fu" a couple of times.

Barz stepped back as the man kept advancing towards him. After stepping back four feet or so Barz decided to hit him with the baton to try and knock him down or injure his arm... The man grabbed the baton with both hands... They wrestled over the baton... Barz realized he could not take the baton away from the man, "He was just too strong." All he could do was hang on to the baton, "and all during this time I saw his eyes and they were just totally psychopathic type eyes, you know"...

After another ten seconds of wrestling for the baton, Barz decided it was best to let go and step back... The man

had Barz' baton in hand when Barz took his gun out. They were at that time perhaps eight to ten feet apart.

Barz assumed a two-handed combat stance and told the man, "Stop or I'll shoot." The man said, "I don't care" or something to that effect and raised the baton over his shoulder. When the man threw the baton at Barz, Barz dodged and it missed by about three or four feet...

Barz backed up, put his gun away and backed toward the police car, keeping an eye on the man. The man followed him with his slashing and chopping-type arm motions...

...When Barz reached the right rear of the police car, having almost made a complete circle, the man stopped at the front door of the passenger side, turned and ran off and was kind of jumping up and down in the middle of the street. Barz said to himself, "Thank God, he's gone."...

All during this time Barz was was waiting and hoping for a unit to get there.

The man returned to Barz. When he got to within about fifteen feet he started "going through these Kung Fu motions again with his right hand and left hand." Barz backed up...

...Barz took his gun out; the man continued to advance toward him. Barz held the gun to his side pointing it at the man and told him to stop. The man continued to advance. He struck at Barz. Barz partially evaded the blow so that he was hit by the man's extended forefingers on his left shoulder. This caused Barz to stumble. At the same time the man grabbed for the barrel of his gun. Barz, feeling himself to be

falling and believing that his gun would be taken away from him and used against him fired as fast as he could until he heard the click of an empty gun.

Often confrontations with insane persons are the result of unprovoked attacks aimed at either the police officer or other citizen. The unpredictability of such confrontations is a common theme. One officer, for example, told of a man who was talking quietly to his partner when "suddenly the man started grabbing a beer bottle and started swinging it at both of us." One officer similarly described a situation involving a female as follows: "I was walking home from the convenience store and see this woman throwing Lysol at this other lady, again and again. I yelled, police, but she didn't hear me. Finally she sees me and fires a .22 at me." Another man described a case (which resulted in a fatal shooting) where, "I was on hospital duty and this guy comes in and starts stabbing his brother in front of us with a machete. He stabbed him 26 times. He was so gone he didn't even care if I was there." At times, the intended victim of the deranged opponent may be the person himself:

At this time the deputy, who had previously identified himself and who was in uniform, ordered the victim to take his hands off the gun which was resting on the table, and to place them above his head. The victim replied that he would not, that the deputies would have to shoot him, and that he wanted to die. During this time the apartment house manager was directly behind the deputy. The deputy, on at least two occasions, clearly ordered the victim to take his hands off the gun and to place them above his head. The

victim then pivoted toward the deputy and cocked the revolver. Fearing for his own safety as well as that of the apartment manager, the deputy fired two shots at the victim.

Alcohol and drugs of course contribute heavily to the behavior of a large number of apparently bizarre opponents in armed confrontations. One reported "barroom" armed confrontation is illustrative of a surprising number of "off-duty" shootings (Fyfe and Milton suggest such shootings may comprise up to 20% of the total of shooting incidents) in which both the police officer and the citizen have been drinking.

I was in a bar drinking and discussing national financial policy (of all things) with a friend. I was talking about the Big Board, when all of a sudden this guy comes over to me and says in a loud voice, "WHO ARE YOU CALLING BOY?" Everyone in this bar knows I'm a cop. I identified myself as a police officer and this guy yells out to everyone, "WELL, YOU GOT YOUR MOTHERFUCKING GUN, SO I'LL GET MINE, TOO."

While the officer was able to disarm the man with only a warning shot into the ground, the incident illustrates the type of alcohol-related behavior which frequently contributes to an armed confrontation.

Such bizarre, unpredictable opponents are clearly not the opponents of choice for most police officers. One officer said, "Give me a good old bank robber anytime. At least you know what to expect." Another seasoned veteran exclaimed, "A nice church-going wacko can kill you much faster than a guy you know is a criminal. You will take chances with a crazy person you never would with a guy you know is a criminal." Another comment was offered by an officer who killed an insane man who had attacked his partner, "...it was like nothing we said or did mattered. He was in his orbit and the only way we could get him off it was to shoot him."

3. Juveniles

Another type of opponent, the juvenile, poses a unique hazard to the police officers: both psychological and legal. Such opponents are of special interest as earlier studies suggest that more than 40% of all armed opponents may be under the age of 20 (Fyfe, 1977; Milton et al., 1973). And juveniles may be uniquely unpredictable. One officer found himself, for example, being charged at by a huge stolen truck being driven by a 13-year-old. Another officer who was able to disarm a 14-year-old boy who had just shot two of his classmates in a junior high school described the incident as follows:

We got the man-with-a-gun call at a junior high school. There was a huge crowd in front of the school. We heard about five shots as we rode up the street. All of a sudden this tiny kid, must have been only 14, comes out and just stands there swinging the gun. We told him to drop it; finally he does. I didn't give a fuck if he was a juvenile. He could have killed me just as fast with that .38 if he was 10 or 110. When he got in the car he was real surly like, giving us all kind of shit, like he said, "if there wasn't two of you [i.e., officers] I'd have tried it!"

Other problems develop from the legal status of the juvenile. In many states officers are forbidden from shooting at persons who could reasonably be believed to be juveniles, except in the most dire of circumstances. One officer, for example, when he realized that he had almost killed a 13-year-old boy commented, "It was like I understood the implications of my job. That I almost killed a child."

At times juvenile "mischief," adolescent energy and officer misperceptions will result in shots being fired. The newspaper clipping below

illustrates the reaction to the shooting of a 15-year-old boy who jumped into a house being guarded by Los Angeles police officers who were protecting a witness in a murder trial and tragically shot the young boy.

It was an apparent case of simple mischievousness which led to the shooting of 15-year-old Carlos Washington, a Ninth grade quarterback on the Van Nuys Junior High School football team.

According to the family's attorney, Myrna Grayson, Washington and two friends, aged 13 and 14, wanted to participate in "Wednesday Night on Van Nuys Boulevard," a night when Valley teen-agers "cruise" up and down the heart of Van Nuys.

Mrs. Grayson said the boys had no car of their own so were "sneaking" a car which Mrs. Grayson said she confirmed as belonging to one of the boy's parents.

The three youths were pushing the car out of the parking lot of an apartment complex where one of them lived, when police spotted them.

"The boys got scared and started to run," said Mrs. Grayson, The shooting soon followed.

When asked why the boys ran, Washington's uncle, Eugene Singleton replied, "What would you do if you had just done something mischievous, and you're 13, 14 and 15 years old?"

"The family would like to know why deadly force was used against a 15-year old boy who had done nothing. They can't understand it, and neither can I," said Mrs. Grayson.

Reached at Sherman Oaks Community Hospital, where Washington remained in critical condition, the boy's

distraught stepfather, Thomas Singleton, said the incident "definitely could have been avoided."

Juvenile opponents pose unique hazards to the police officer in both type of expressive actions in which adolescents will engage, and in the consequences to the officers who shoot and hit virtually any juvenile opponent. Adolescents will take risks, such as trying to outrun a police blockade, or attempt to shoot at police officers in situations where only the most desperate (or deranged) adults would act similarly. For the adolescent, such actions may be caused less from malice than adolescent energy-expressing actions; truly dangerous especially when viewed in the context of an armed and dangerous ghetto. Thus, officers typically will fear armed confrontations with juveniles, both because of the unpredictability of the juvenile's behavior and because of the emotional, administrative and political consequences should a police officer shoot and hit an adolescent opponent inappropriately.

While the above examples present exaggerated pictures of the role of the opponent in determining the risk of armed confrontation or actual shooting, it is clear that risk varies, though perhaps more finely, over other types of opponents. And as important as the actual characteristics of opponents -- irrational behavior, weapons carried, impulsivity, etc. -- are the beliefs of the officer regarding the opponent. And the beliefs may be based upon statistical extrapolation from previous history or upon folklore.

Thus, such belief systems as "crazy Puerto Ricans will cut you," or "Italian robbers carry guns," become important determiners of risk, independent of the reality of the statement. In this sense the attributions of risk (in the mind of the police officer) become what Robert Merton

called a self-fulfilling prophecy: a violent expectation on the part of the officer produces a general aura of danger which motivates the opponent toward violence.

Assignments

The time and preparation and degree of control an officer is able to exert to resolve an armed confrontation is related to the type of assignment which brings him into contact with his opponent in the armed confrontation. In presenting this perspective we will discuss the unique dynamics of off-duty, police action, dispatched, and planned apprehension armed confrontations.

1. Off-Duty Armed Confrontations

Police officers commonly believe that the most unpredictable type of incident occurs in off-duty encounters. Often the officer is psychologically unprepared for an armed confrontation. The officer may be tired; have had a drink; be with children, girlfriend or wife; and, generally, be in a leisurely rather than alert mood when the opponent is encountered.

An extreme example of the psychological and tactical hazards of off-duty armed confrontations is found in the case below of an officer who engaged in a store parking lot gun battle with two armed robbers. The incident resulted in the death of the officer's three-year-old daughter.

On Saturday, November, 1979, at approximately 7 p.m., Los Angeles County Reserve Deputy Sheriff Gerald Douglas Slagle, accompanied by his daughter, Jennifer Slagle, age three, arrived at the Safeway Market in La Crescenta. This large supermarket is situated on the northwest corner lot located at Foothill Boulevard and Pennsylvania Avenue, La Crescenta.

Slagle intended to do some grocery shopping. He was not working as a Reserve Deputy Sheriff at the time. He was, however, armed with a .38 caliber weapon issued to him by the Sheriff's Department.

Prior to entering the market, Slagle and Jennifer stopped at the mechanized pony ride located just outside the market, next to the west entry and exit doors of the market.

As Slagle started to lift Jennifer from the pony, he noticed two male individuals pushing an empty shopping cart past the east entry door towards his position. Slagle moved forward as the men walked past him. The two men entered the market through the west door with Slagle and Jennifer following them into the market. Slagle saw one of the individuals pull a ski mask over his face and pull out a blue steel revolver. The other individual pulled out a weapon described by witnesses as either a sawed-off shotgun or a rifle.

Following this, the two robbers came out of the west door together and walked towards Slagle's position. Slagle had Jennifer down on the ground near the right wheel of the vehicle Slagle was using for cover.

Slagle had his service revolver pointed across the trunk of the vehicle in a westerly direction. Slagle yelled to the two robbers, "Police, freeze!" The individual holding the weapon described as the shotgun or rifle yelled back, "Don't do it, don't do it!" This person is Manuel Castillo Perez. He is currently awaiting trial in Superior Court, Case No. 587995, charged with violations of Penal Code sections 187

and 211 in connection with his alleged participation in the robbery of the Safeway market and the fatal wounding of Jennifer Slagle.

Neither Perez nor his companion complied with Slagle's order. Perez, it is believed, pointed his weapon at Slagle and fired one round. Slagle immediately fired two rounds at Perez. One of Slagle's rounds, it is believed struck Perez, but Perez continued walking eastbound in the parking lot. His companion then separated from Perez and this person moved back to the front of the store and proceeded eastbound along the sidewalk, ultimately arriving at a getaway car parked in an alley located north of the market.

In the meantime, Perez had moved to a position almost directly south of Slagle's position. This put Slagle and Jennifer in a direct line of fire from Perez's weapon without benefit of the protection of cover. Slagle fired two more times at Perez. At this moment, Slagle became aware that Jennifer was standing up to the left of his field of gunfire. He yelled, "Jenny, get down!" Slagle glanced again at Jennifer and saw she was now down on the ground bleeding from a wound to her head. Slagle, believing his daughter was dead, stood up in disregard for his own safety and looked for Perez. He saw Perez at the front of the store. Slagle fired his two last rounds at Perez, missing him, both rounds hitting the concrete exterior portion of the front of the market.

Jennifer Slagle was taken to an emergency room at Verdugo Hills Hospital where a medical team attempted unsuccessfully

to save her life. Jennifer died at 7:53 p.m. The cause of death was a gunshot wound to the head.

In an equally tragic incident an officer, who was out on the town with friends, found himself accosted by a man with a gun who robbed the officer and his family and began fondling the breasts of the officer's wife. When the man threatened to "take this broad with him," the officer drew and fired his weapon. He missed the opponent but accidentally killed his wife. This incident (as the one involving the death of the young child) dramatizes the often tragic results associated with off-duty armed confrontations.

At times off-duty police officers become involved in an armed confrontation when the officer's home or that of a companion is invaded by a criminal. An example of such a confrontation is found below:

In the early morning hours of April 19, 1978, Deputy Tallagua was off-duty and asleep with Marcia Martinez at her apartment when he was awakened by Ms. Martinez. They both observed an intruder inside the apartment.

The intruder unlocked and exited the front door. Deputy Tallagua immediately went into the front room and retrieved his weapon. At this time, he heard noises on the balcony outside the apartment and saw that the front door was moving open and closed. Deputy Tallagua then went to the front door and as he attempted to open it, Mr. De La Torre was pushing the door open. When the door was opened, Deputy Tallagua saw De La Torre with a shiny object in his hand. Before Deputy Tallagua could say anything, Mr. De La Torre jumped or moved quickly toward him and Tallagua fired twice.

Mr. De La Torre then groaned and ran from the apartment. Deputy Tallagua followed yelling for him to halt and that he was a sheriff. Deputy Tallagua fired another round at him which missed. When on the street outside, Mr. De La Torre collapsed and later died.

Another off-duty officer, subjected to a robbery attempt, described his response as follows:

I was really tired. I had gone to get a newspaper. I really wasn't expecting anything but this guy comes at me from nowhere and says, "give it up," and grabs my wallet. I was almost totally unprepared. I wasn't even thinking in police terms at that moment. When he ran I turned and shot him.

Off-duty shootings are especially risky in terms of the rapidity with which the encounter occurs and the lack of partner backup support as well as the lack of psychological preparation on the part of the officer. It also should be pointed out that officers who are in other than street assignments (such as office or communications work) may find themselves in a confrontation with their "street reflexes" dulled. One example was described to us by a police staff aide as follows:

I am coming to work. I see this guy eyeing these two young girls stuck in traffic. I jump out of the car and yell, "Freeze, don't move." The guy looks at me and sees my coat buttoned and realizes I can't get to it. He just runs. That never would have happened if I was day-after-day on the street.

Another off-duty officer (a communications-computer specialist) chased a group of robbers (six of them) following a bank stick-up; pointed his gun at the robbers and pulled the trigger only to find the gun was not loaded.

2. Police Actions

Similar in some ways to off-duty shootings are shootings which might be called personal assignments; these are actions that are initiated by officers who see suspicious actions or persons and become involved. Characteristic of armed confrontations of this type are poor support, a rapid time-frame and lack of preparation and information. The facts that precipitate officer action in such incidents may be highly ambiguous and even confusing. Often in personal actions the confrontation occurs rapidly and with sudden surprise to the plainclothes vice officers, as in the rapidly occurring confrontation described below.

On Saturday, March 17, 1979 at 12:20 a.m., Hollenbeck Division plainclothes Vice Officer S. Nares (#14570) and Reserve Officer E.G. Ramirez (#R0608), entered Irma's Restaurant at 4626 Huntington Drive South, El Sereno. A third Officer J. Munguia (#17392) remained out of view of the restaurant in a police vehicle. Irma's Restaurant is a small beer bar patronized primarily by blue-collar Latins. Both officers are of Latin descent and were dressed so as to blend in with the bar's regular patrons.

At approximately 12:25 a.m., Ebelio Moreno, the decedent, and another man became involved in a dispute over a pool game. Both of these men were strangers to the bar. As the argument became more heated, Ranulfo Delgadillo, a regular patron and friend of the bar manager, intervened ordering the two strangers out of the bar. At this point the argument grew somewhat more heated and Mr. Delgadillo,

who is crippled and walks with a cane, was struck in the leg with a pool cue. Mr. Delgadillo then drew a .25 caliber semi-automatic pistol from his pocket and, in an effort to quell the now escalating argument, fired one round into the floor of the restaurant. When the shot was fired, Mr. Moreno and the person with whom he was arguing fled out the door of the restaurant. Mr. Delgadillo also approached the door of the restaurant, possibly following the two other individuals. When Mr. Delgadillo, still holding his pistol, got to the door of the restaurant, he was grabbed by Mr. Moreno and dragged outside the restaurant 10 or 15 feet from the door where he was thrown to the ground. At that point Mr. Moreno took the pistol away from Mr. Delgadillo and pointed it at Delgadillo as he lay on the cement outside the restaurant.

As this series of events rapidly unfolded, the two plain-clothes officers inside the restaurant drew their weapons and followed the trio outside. Officer Ramirez ran out the door and took up a position behind a vehicle parked approximately 10 feet from the door of the restaurant. Officer Nares drew his weapon and took position just inside the doorway of the restaurant. The two officers identified themselves as Los Angeles Police Officers and, speaking in Spanish, ordered Moreno to drop the weapon.

At this point Moreno was standing over the prostrate Delgadillo pointing the weapon at Delgadillo. Instead of dropping the weapon as ordered to do by the officers, Mr. Moreno looked up at the officers and pointed his weapon

toward Officer Ramirez. Officer Nares, believing Moreno was about to shoot Officer Ramirez, fired one round from his service revolver striking Mr. Moreno in the head. Mr. Moreno was taken by ambulance to Los Angeles County-USC Medical Center where he died at 3:50 a.m. His unidentified companion fled the scene and was never found.

At times police actions are initiated because the officer recognizes an armed and potentially dangerous person. Such reactive encounters are likely to provoke irrational behavior on the part of the opponent (often extremely dangerous persons):

We stopped by the projects and see a guy holding a blanket (it turned out to be his girlfriend's kid). We recognized the guy as this man who is wanted for all kinds of stickups. We go over to him and won't let us hold the kid. He gets more and more agitated and finally just runs into the project with us holding the baby. _____ fired as he was going up the stairs. He died immediately. It was a panic thing on his part that got him killed. He just didn't expect anything at that point.

In other police actions, the officer may have very limited knowledge of the facts of a particular incident. One officer observed, for example:

...that on the streets you have to act fast often before you really know what's happening. If a woman screams, is it really a rape or is it just a lovers' thing? Lots of times you run in and she is delighted with him, but maybe just mad because he stepped out on her. Let's say you end up shooting the guy and it's no rape, what the fuck do you do then?

Police actions are, thus, often initiated by the most circumstantial of facts. For example, consider the officers' descriptions of the precipitating events which involved each of them in a use of deadly force:

I was standing there on the corner with Nick and this guy comes up to another guy and stabs him with a machete-- right through his heart.

I was coming into the station when I see this guy running away from X with a gun in his hand.

I drove by my mother's house, while on patrol, and see this guy unloading three shotguns from his trunk.

I was driving in the _____ area when I see this pair of women's legs sticking out of a doorway.

We passed Gino's Restaurant and I said to my partner, let's wave to Kathy, the waitress, and all of a sudden I see Kathy waving to us like there's trouble.

I'm driving to headquarters and I see this guy climbing up the wall of the hotel.

Obviously such incidents, while occurring in the context of police duty, provide little information to base sound tactical planning. Further, such incidents usually are of such immediate importance that delay while awaiting backup is very nearly impossible. Thus, armed confrontations evolving from police actions lack the coordination and

planning that marks confrontations evolving from dispatched assignments or "planned apprehensions."

3. Dispatched Assignments

A different type of incident is found in incidents in which officers are on-duty and have at least some information about the incident prior to entering an armed confrontation. Typically, an incident will occur (e.g., an armed robbery) which is reported to the police. Officers approach the scene knowing, at least in general, the type of incident they will encounter. One policeman, for example, observed:

It's like at least you got something. You got the type of offense; based on this you know your options. If you are responding to an armed robbery, you know that there are certain ways that you can respond. Things you couldn't do in a petty theft.

Another man similarly commented:

Also you get your head into the incident. On the way to the situation you assess the information you have, the location of the call, what's been happening in the area. It helps you to mentally cope with the particular job at hand.

In such dispatched confrontations, officers have several advantages not present in off-duty shootings. First, they typically have an element of surprise in approaching an in-progress event. In many, but not all, dispatched encounters it is possible to call for backup support should the need arise. Also, as they are on duty, they come psychologically prepared to face an armed person. They are additionally often able to obtain position or cover prior to physically approaching the suspects. They have the benefits of teamwork, often a partner, radio communication

and possibly backup. Finally, they have some information regarding the opponents and incident prior to the actual confrontation.

This advantage in a dispatched armed confrontation is greatest in encounters where the initial information given the officer accurately alerts the officer to the danger he will face. Often, this information allows the officer to take effective cover and to coordinate his efforts with a fellow officer:

We got a call that there was a 211 [armed robbery] in progress in a tavern. I told my backup car to park and then circle in the back. I went right up to the door and waited. When this guy walks out of the door he raises his hand with a bag in it without me saying nothing. It was easy.

Another officer described a dispatch rape encounter which resulted in a similarly effectively executed apprehension.

We get a call that there is a rape in progress in the East and the man is supposed to have an automatic and he is Spanish-speaking. I see the guy and approach the car with my gun drawn. The guy did something strange. He threw keys and gun out of car and rolled up window so we just sat there waiting for help.

Other advantages that are associated with dispatched encounters include the time available to the officer immediately prior to entry on the scene. During one confrontation with a group of armed robbers (of a tavern) sitting in a car on a residential street, the following conversation was overheard by one of us between two experienced tactical officers.

Officer A - What's the street look like?

Officer B - Trees on both sides. A guy once looked on me through the alley. Lots of back alleys.

Officer A - Who lives there?

Officer B - Mostly working people; some shitum [crooks].

Officer A - How you want to do 'em?

Officer B - Tell George to come up on Seventh in case they see us and drive off.

Officer A - Sounds good. [Calls on radio to second car]
How about if we drive by 'em once to make 'em think we're not interested in them then U-turn and come back.

Officer B - Let's do them.

The apprehension (of two men, both armed with guns) was made without incident. Another advantage in dispatched armed confrontations is the selection of position to minimize risk to other citizens (for example, to avoid shooting into an occupied house); also it is often possible to secure additional information on either the location or even victim (e.g., "Dispatcher, what is the name of the owner of the store involved in that robbery?"); finally there exists the possibility of disengaging from the confrontation if the risk factors appear too high in a particular encounter-- for example, when a single police officer faces several armed persons at once ("We better back off. Call for S.W.A.T.").

4. Planned Apprehensions

A final assignment context in which armed confrontations take place is that in which police seek to apprehend an armed and dangerous felon. Some apprehensions are aimed at particular persons, as in a raid. Others are aimed at an unknown suspect such as a decoy operation in which the

police officer will pose as a "victim" of the opponent. One officer described such a decoy operation as follows:

We were in this oil truck waiting for it to get robbed when finally this guy comes up and points a gun at Tom. There had been a series of robberies on the oil truck, so I just hid in the back of the truck. I was just waiting. This guy comes up to the truck and sticks a gun in Tom's face, just like we planned. I yelled for him to "drop it," and he just put his hands up, just like that.

Accurate information is a crucial element in a planned apprehension. During an observation of a Newark Police tactical unit (Target R.D.) the following notes were transcribed from a successful raid on a large drug dealing operation which resulted in the arrest of several persons, and the confiscation of large quantities of drugs and two loaded pistols:

11:00 Snitch comes in car and tells O.W. about large-scale drug sale in apartment house on Orange Ave. Explains that he is going to grand jury and wants W. to help him. Draws map of house. Explains where gun is; how to get in the house through locked door; "Knock to get in like this. It's a Muslim knock. Two taps real quick."

11:30 Four cars meet under bridge. Sergeant goes through plan three times. "Paul [a black officer] will make the buy with Tommie backing up. Pete will hit Apartment 8; George the one on the left. Tommie the one on the right. Eddie will cover the back of the house.

- 11:45 The buy is made. We all meet again in the parking lot. Sergeant goes over plan again.
- 12:00 Raid on Apartment house. I follow George. He stands by the door on the left. This is the apartment with the gun. There is shuffling heard from other apartments. Finally a peep hole opens and a huge black man emerges. "Don't do anything stupid," George commands, "Please sir, sit down!" A gun is pulled from the man's robe. White heroin powder covers the table....
- 12:15 Woman in Apartment A surrenders second gun to Officer White.
- 12:45 Heroin (50 hits) found in apartment 8. Man throws up on floor (early withdrawals).
- 1:00 a.m. E. L. and C. drive prisoners, evidence taken to North Precinct.

Often planning will lead to rehearsal and discussion for hours or even days, and the outcome will surprise the planners. One officer, for example, commented:

There were these guys who were involved in an armed robbery thing on L. Street. We went over the thing again and again. Everyone had a specific position. I was to stand by a door to make sure they didn't come out of the back. Then they came out with a gun but when he saw how many of us there were he just "gave it up."

At times, of course, even the best of preparations will not avoid a deadly exchange of gunfire. The Los Angeles narcotics search warrant

raid described below is illustrative of an armed confrontation in which the police officers initiate the encounter and have prior (and often detailed) knowledge as to the danger of the opponent but a use of deadly force still occurs.

At approximately 6 p.m., the deputies deployed around the apartment. Deputy H. and Deputy A. approached the front door. Deputy A., who is bilingual, knocked and in Spanish asked for a person named "Louis". A Spanish conversation between a female person inside and Deputy A. outside commenced. Deputy A. knocked again and announced in English, "Police Officers, narcotic investigation, we have a Search Warrant, open the door." This was repeated three times, but the door remained closed. After waiting twenty seconds, both deputies kicked in the front door. A. entered the apartment first, going approximately three feet with his gun drawn. Deputy R. followed, standing slightly to the rear of Deputy A. Both deputies observed Hector Munoz run to a sofa and retrieve a shotgun. Munoz pointed the gun at the deputies. Both deputies were yelling, "Drop the gun, Sheriff's Department." At this point, Munoz fired one round at Deputies A. and R. Both men were hit by the blast. The deputies fired their service revolvers, and Munoz fired from his shotgun a second time. The deputies, injured and bleeding, were pulled outside.

Backup deputies came to the front, and the persons inside were ordered out. After a short period of time, the shotgun was thrown out. When the deputies entered, Munoz was sitting on the sofa bleeding from the chest area.

Many officers have commented about the difference between the phenomena Reiss (1971) refers to as "prepared" and "unprepared shooting" encounters. One officer, for example, who avoided shooting while on a narcotics raid team yet fired three times at cars driven by juveniles during patrol assignment, explained the difference in his reaction to the two types of confrontation:

In one situation you could anticipate what would happen. You know like it is all planned out; we would spend five hours planning for raid: you know you go here, I go here, you go there that type of thing. In a street encounter it happens all at once. In one of those times I shot, all of a sudden I'm standing there, then the car like drives at me. I really thought I was dead. I really did, and I shot. I probably shouldn't have, but I did.

The risk of an armed confrontation is then clearly related to the mode of assignment which leads the police officer into the encounter. Both the degree of control an officer has over the situation and the time and information available to resolve it may be affected by the mode of assignment. In general, planned apprehensions and to some extent dispatched assignments allow for greater control and time than do off-duty and police-action armed confrontations. In this sense, it is hypothesized, that personal actions and off-duty confrontations possess a higher risk than do confrontations evolving from either planned apprehensions or dispatched assignments (if the danger of the opponent is held constant). It might be interesting in this respect to compare the outcome of similar types of opponents (for example, armed robbers) who are encountered in different types of assignment contexts in terms of the likelihood of a police use of deadly force.

Other Persons: Partners and Citizens

Another factor determining the risk of a particular encounter relates to other persons (police officers or citizens) who may be present during the encounter. It might be suggested that the presence of others affects both the degree of control the officer (or officers) may exert and the degree of perceived hazard to the officer. The availability of partners may especially alter the risk in a particular encounter. One officer who fatally shot an escaping prisoner explained why he believed he shot and killed a man in this situation when in similar situations he had refrained from firing:

I had faced this type of thing many times. We were chasing this guy down an alley and my partner left me to get another guy. He went one way and I went the other. All of a sudden I got caught in an alley alone with this guy. He turned and I shot. I'm not sure why I shot this time and not others. I keep thinking it was because we got separated.

A common phenomenon in police-citizen armed confrontations is what is referred to by military psychologists as "sympathetic firing." One veteran of the Vietnam War gave an example of this behavior as follows: "When a rat kicks a can in front of the perimeter and one guy fires and then the whole squad, platoon, or even company starts opening up on it." In police-citizen "gunfight" situations such sympathetic firings are also common. In one incident in New York, 23 officers fired 24 bullets at an emotionally deranged man who was attacking an officer with a pair of scissors. In describing an incident where eight officers fired at a man armed with a rifle, one officer observed, "It was like we had one gun. One guy fired and I swear I only heard one shot."

Partners may affect the decision to shoot in other ways. An attack on a partner may cause an officer to shoot when he might not have shot otherwise. An illustration is found in a dramatic confrontation described by a detective who was badly wounded in the incident.

He and I were partners for three years when this happened. Closer than friends. We were in this store and I thought I had this guy cornered, but he pulls out his gun and fires. He hit me five times. I was hit bad. T. (my partner) was behind me. I turned and fired back six times. I hit him once. He runs out the door. As I was going down, I said, "T., kill the mother-fucker." He got him about a block away. Then he came back up to me in the car and drove me to the hospital. I was on the critical list for six months and in a coma for a week. Before I passed out I asked T. if he got him. He said he did and I went out knowing, at least, what happened.

An interesting issue in this respect involves the consequences and impact of "overmanned" and "undermanned" armed confrontations. In some situations, literally dozens of officers may be on the scene for a single confrontation. One incident of this type was described by a seasoned police sergeant:

Well, there was this guy with an "M-1" in the church on Baker. Pretty soon he starts firing shots and it's like the whole P.D. responds. Another sergeant just drives up past a barricade and is shot by the guy. Pretty soon we have more than 60 guys on the scene all firing into the church. The biggest danger, of course, is them hitting each other in the

crossfire. To be honest it was a panic situation. Someone should have blocked off the situation to control the number of cops on the scene, to keep them from killing each other.

In other situations, a single officer may find himself very alone. In one situation a single officer responded to a robbery call in a jewelry store expecting one or possibly two opponents. No fewer than four opponents soon ran from the store resulting in a shootout in which one robber was killed and the officer wounded. Similarly, the officer below describes an encounter in which he was able to hold six men at bay for more than 10 minutes, winning a valor medal for his efforts.

We had a series of "B and E's" in this factory on Springfield. Everyday I would go up on the roof and wait for a few minutes to see what was going to happen. This one day I hear noise downstairs. I creep down there and see a kid stripping one of the machines for parts to sell. I yell, "stick 'em up!" As I move up on him I see another, then another. Soon I have six guys on the floor. One guy got up and started running but I fired a warning and he lay down. I was stupid going up there like that. If they had thought about it they could have rushed me and got my gun. I stopped working alone after that incident.

Citizens present may, as well, greatly alter the risk of confrontation. At times, officers may hold fire (even when they are at risk) to avoid hitting an innocent citizen. One officer, for example, described the following incident:

We go on this raid in the _____ area. We are supposed to cover the back, Paul and me. We go in a back room and see

this little girl in there. All of a sudden this guy fires from behind the closet. We couldn't fire because of the girl. She was real young, maybe 12 years old. It wasn't worth it. The bullet lodged between us. We were no more than three feet apart. It makes you think.

Citizens may make officers feel more sympathetic or hostile towards an opponent. One experienced officer reported approaching a psychotic man after the man's mother begged him, "Not to hurt my son. He's sick." Conversely, another man shot at a fleeing strongman after the man had robbed and beat a disabled man in a wheel chair. Another officer fired at and killed a drug addict after a man whom the drug addict had killed (in cold blood) was descended upon by a crowd to rip his pockets out to steal whatever money the man had. A black officer fired a shot at a Puerto Rican man whose friends had tormented him calling him a "maricon nigger." Still another officer held fire at a man with a gun when another man yelled that the man was defending himself against another man who had just robbed him in the bar.

From these examples, it should be evident that the presence of either partners or other citizens can alter the risk of an encounter evolving into a shooting. The availability of partners can make the decision to use deadly force less likely by providing more control over the opponents and greater options for the officers. On the other hand, a decision by one officer to fire in the confrontation makes the firing of others more likely. Citizens may make a shooting less likely if they are exposed to fire; also actions by citizens on the scene may influence the officer's perception of hazard and possibly empathy towards the opponent.

Space and Light

Unlike the image conjured up by Gary Cooper's film battle in "High Noon," police-citizen armed confrontations rarely take place in broad daylight on an uncluttered street. Far more common are confrontations in alleys, backs of stores, dark street corners, bushes and staircases. Sometimes the spatial context, as in the following episode, is almost macabre:

I was a young police officer when this happened. We caught guys in a building with a ringing alarm. It was one of those check cashing operations. Real low rent. We look in and we see a hole in the ceiling. We went up the fire escape and saw a guy hiding in the hole. I go over to him with my partner and we all fall through about 11 feet. There are all three of us hurt, dazed together all lumped up in this hole. I turned to the guy and he says "I'm hurt, I'm hurt." I look to see where G. (my partner) is and then I see the guy has a gun. I shot at him and he shoots at me. We were right on top of each other in the dark.

Another example highlighting space and light conditions is found in a case where an officer shot an unarmed burglar in the dark back room of a gas station:

Four months ago we responded at a truck repair place. I see a truck with a bunch of batteries in it. I think what is a truck with North Dakota plates doing here. My partner walks around the back. I go inside. When I'm in the back room; it's totally dark, all of a sudden the door closes behind me and I feel this guy breathing behind me. I wheeled and fired;

he fuckin' scared the mother fuckin' shit out of me.. While he was lying there all wounded, I say, "What the fuck are you doing there in the dark?" If it was light I never would have reacted like that.

It should be observed that many shootings involve multiple settings during the encounter. For example, one confrontation of an armed rape suspect took place in the following settings prior to the final capture of the suspect.

1. Officer sees victim and perpetrator in car.
2. Officer confronts perpetrator and he releases victim.
3. Perpetrator puts car in reverse and flees.
4. Officers pursue perpetrator (now joined by two other officers) over four miles.
5. Perpetrator crashes into parked car and flees through crowded Gino's Restaurant.
6. Perpetrator runs out of kitchen and fires at officers in back parking lot, fleeing through alley.
7. Perpetrator climbs over and hides in bushes of adjacent building.
8. Officer spots man; orders him to stop. Officer fires and misses.
9. Perpetrator runs from bushes, throws gun on ground and runs down the street.
10. Perpetrator finally cornered in second alley; tries to escape over barbed wire fence and is finally captured without other shots being fired.

While this example involves a more complex series of multiple settings than is true of most armed confrontations, it suggests that not all armed

confrontations occur in a single setting under constant lighting conditions. The importance of the reality that many confrontations occur in multiple settings is that few training programs train officers to shoot in "life-like" environmental contexts; none anticipate the reality that a single confrontation may last several minutes and cover many miles, exhausting the officer in the process.

Space and light may alter the degree of control an officer can assert in the confrontation. Poor lighting may make more difficult an accurate assessment of the opponent's intentions. It also may shorten the time in which an officer must decide (in ambiguous circumstances) whether or not to use deadly force. Poor lighting may also increase the options of an opponent who, hiding in darkness, may feel (or actually be) in control of a life or death confrontation with a police officer. Space and light may alter the risk of a confrontation dramatically in terms of the police officer's psychological assessment of fear. A dark shadow in a dark warehouse may be far more frightening to the officer than would the same opponent confronted in another context.

Conclusions: Risk and Armed Confrontations - implications for the rational control of police deadly force.

In this chapter, we have argued that different types of police-citizen encounters possess more or less risk of a shot being fired by an officer. Specifically we suggested that the degree of perceived hazard, the degree of officer control and time-frame are related to the chances of an encounter evolving into an armed confrontation and eventual use of deadly force by a police officer. We also have demonstrated how the type of opponent, the mode of assignment, presence of other officers or citizens and space and light affect the probability that deadly force will be used in an armed confrontation.

What, we might ask, are the implications of this view of armed confrontation and deadly force? How does it alter the administration of deadly force policy, police training and the review of deadly force incidents?

Certain confrontations might be so risky that the police department should, through operational rules or policy forbid or strongly discourage such confrontations. Off-duty confrontations by single officers, for example, might be discouraged unless the immediate peril to a citizen is extremely great. Similarly, other high-risk confrontations might be identified and made less likely through operational rules designed to reduce the probability of specific encounters.

Training might be altered to facilitate instruction and practice in both the most common and the most hazardous confrontations. Thus, simulations should be developed which correspond to those confrontations in which officers are most likely to be involved. Also intensive instruction should be given to prepare officers to cope with the most risk-laden of confrontations. Currently, most departments train officers in only dispatched armed confrontations. Often opponent type and time-frame do not match the conditions officers will be likely to encounter on the streets. A training curriculum preparing officers in off-duty confrontations would be extremely useful as the level of risk and decision making of these encounters are quite different from other types of police-citizen confrontations.

This approach we have taken has implications, as well, for the review of uses of deadly force. It may be that certain types of confrontations bare more hazard than do others. Through assignment, residence or other factors, a particular officer may face more hazardous confrontations

than do other officers. This information would be extremely useful to police administrators in both assessing the quality of an officer's decisions in an armed confrontation and in arranging assignments so that certain officers avoid the most risky of confrontations.

Most importantly, the move toward empirical validation of a risk typology would allow the law enforcement profession to understand better the risks and behavior of specific categories of police-citizen encounters. This step would move police management away from its ideological interpretations of police deadly force to a more predictive effort directed toward seeking and finding lawful behavioral relationships. Currently, police methodology is as crude as medicine was in the 19th century before doctors developed the concept of a syndrome (or type of disease) each with its own prognosis. Thus, just as a physician assumes that a different particular type of strep throat carries a certain level of risk, so too different types of encounters might be assumed to have particular probability of injury to either police officer or citizen.

In Chapter Five we will continue our analysis of police-citizen encounters by describing police decision-making in armed confrontations. We will suggest that very similar confrontations might be resolved in quite different ways. Given almost identical circumstances (opponent, assignment, setting, etc.), some armed confrontations will result in shots being fired by a police officer against a citizen; in other encounters a shooting will be averted. In the chapter, we will describe a sequential process of decision-making observed in armed confrontations and will suggest that "early" decisions in such confrontations may either raise or reduce considerably the probability of deadly force being used.

TABLE 1. EVENTS PRECEDING POLICE USE OF DEADLY FORCE

	STUDY FINDINGS*			
	Robin, 1963 (N=32)	Kobler, 1975b (N=911)	Milton et al., 1977 (N=320)	Fyfe, 1978 N=5111)
	<u>% Rank</u>	<u>% Rank</u>	<u>% Rank</u>	<u>% Rank</u>
Disturbance Calls:	31 (2)	17 (4)	32 (1)	25 (2)
Family Quarrels				
Disturbed Persons				
Fights				
Assaults				
"Man with a gun"				
Robbery:	28 (3)	20 (3)	21 (2)	39 (1)
In Progress				
Pursuit of Suspect				
Burglary:	37 (1)	27 (2)	20 (3)	7 (4)
In Progress				
Larceny				
Tampering with Auto				
Pursuit of Suspects				
Traffic Offenses:	3 (4)	30** (1)	8 (5)	12 (3)
Pursuits				
Vehicle Stops				
Officer Personal Business:	? -	? -	4 (6.5)	? -
Dispute				
Horseplay				
Accident				
Stakeout/Decoy	? -	? -	4 (6.5)	? -
Other	0 (5)	6 (5)	11 (4)	6 (5)

*Percentages may not total 100 due to rounding

**Includes other misdemeanors not listed above

Reprinted from Sherman and Longworthy, 1980

TABLE 2. SUSPECT'S ACTIONS PRECIPITATING SHOOTINGS, BY RACE
OR DESCENT, 1974-78

	<u>Black</u>	<u>Hispanic</u>	<u>White</u>
Suspect Using Weapon	22%	23%	28%
Suspect Threatening Use of Weapon	39	45	43
Suspect Displaying Weapon	5	6	5
Suspect without Weapon Assaulting Officer or Civilian	5	9	6
Suspect Appearing to Reach for Weapon	12	6	9
Suspect Disobeying Command to Halt	15	9	9
Other (including accidental shootings of suspects)	<u>1</u>	<u>3</u>	<u>1</u>
	100%	100%	100%
(Number)	(321)	(126)	(131)

Note: Disobeying orders to halt or appearing to reach for weapon were coded only if no assault took place, and there was no use, threat, or display of a weapon in the period immediately preceding the shooting. Assault was coded only if there was no use, threat, or display of a weapon. For each person shot at, only one precipitating event was coded--the most life-endangering (from Meyer, 1980).

"WE PAY THEM TO MAKE DECISIONS:"

sequential decision making in armed police/citizen confrontations

Peter Scharf

Arnold Binder

Chapter Five

Introduction

In Chapter 3, by describing the variety of armed confrontations, we suggested that armed confrontations were extremely varied and posed different types of hazards for the police officer seeking to cope with an armed and dangerous opponent. Here, we will present a framework to generate hypotheses regarding "early" police officer decisions in an armed confrontation in terms of altering the likelihood that deadly force will be used. Along with airplane controllers, army generals, surgeons, and a few other professions, the police officer knows that an error (in shooting) may result in the death of a human being. Perhaps uniquely the police officer also knows that an error in withholding fire may result in the loss of his own life or that of an innocent citizen. The difficulty of a decision to use or not use deadly force is further complicated by the reality that the "decision" to use or not use deadly force is in reality a series of decisions, each altering the probability of the final use of deadly force. To illustrate this conception of sequential decision-making in police-citizen armed confrontations, we will describe five decision phases within an armed confrontation:

1. a phase of anticipation
2. a phase of initial contact and entry
3. a phase of information exchange and dialogue
4. a phase of final decision
5. an aftermath phase

We will review officer decision-making in a variety of armed confrontations. In some of these deadly force was used; in others it was avoided. We will argue that key social influences might effectively shape a police officer's decision to use or not use deadly force at each decision-making phase. We

will propose that this conception of phases is useful in its suggestion that police decisions early in an armed confrontation make a police use of deadly force more or less likely. We will also suggest that at least some uses of deadly force may be averted by changing officer (or citizen) behavior early in the confrontation.

Averted Shootings in Armed Confrontations

It is obvious that not all armed confrontations result in shots being fired by the police officer. In most cases of armed confrontations the encounter is terminated without police shots being fired. Consider the following armed confrontations which officers were able to resolve without using deadly force:

- An officer is faced with a drunk off-duty detective who refuses to drop his .45 or show his ID.
- A police officer is attacked with a pair of scissors by a crazed woman who has just killed a barroom acquaintance.
- A despondent man who has killed his wife is disarmed by a team of tactical team officers.
- A young boy armed with a gun with which he has killed two junior high school "friends" is disarmed by two police officers.
- In a narcotics raid a man reaches for a macete and is physically disarmed by a police officer.
- A robber in a crowded subway station is disarmed (a loaded .48 in his hands) by an officer who refrained from shooting for fear of hitting a bystander.
- An officer corners a burglar with a rifle and fires a warning shot at a wall behind the man causing him to drop his weapon.

- A tactical team confronts a shotgun wielding
- A tactical team confronts a shotgun wielding robbery team and disarm them without incident.

In such averted shootings the police officers involved were able to hold fire even though in these situations there was sufficient legal justification, including direct threats to their lives, to warrant a use of deadly force. Such incidents of averted shootings may paradoxically offer insight as to the reasons they alternatively use deadly force in other situations. By comparing armed confrontations in which shots are fired with those which are resolved without police gunfire, we hope to illuminate the process of officer decision-making in armed confrontations and also better understand why some confrontations more commonly result in shots being fired than others. Too, it is suggested that the line between a shooting and an averted shooting may depend upon minute differences in the circumstance confronted by the officer as well as how the officer interprets them. A published description of averted use of deadly force by a Santa Monica police officer and writer Barney Melikian, offers an insight into the difficulty facing officers involved in armed confrontations, even in which deadly force is eventually avoided:

"Attention units, stand by to copy information on a 211/187 [robbery/homicide] suspect and vehicle from Venice Division. Suspect is a male, black, 20, wearing a maroon short-sleeve shirt and having a thick mustache. The vehicle is a late-model Cadillac, four-door, dark in color, no further information. Weapon was a .45 caliber chrome automatic. Suspect should be considered armed and dangerous."

The dispatcher announced this information in a clear monotone tinged with a hint of boredom--just

a routine teletype reporting another violent death suffered by one human being at the hands of another. I dutifully copied down the information and continued on patrol.

An hour later, I had already picked up a drunk lying in his own vomit, wrestled with a 15-year-old boy who had taken just enough PCP to convince him that he was living in a horror film, and written a ticket to a 60-year-old woman who was astonishingly familiar with barroom obscenities. That's when I saw a late-model Cadillac sail through a red light at a major intersection. As I pulled in behind and ran a computer check on the license plate, I saw that the car was a 1975 model registered to someone in Venice. I could see that the driver was young and black and was wearing a white shirt. He sat very still.

Two highway patrolmen were killed while making a routine traffic stop near Sacramento today.

I got out of the police car and walked toward the Cadillac. My backup unit was coming from across town so for the next few minutes I would be on my own. I approached the car, using the flashlight in my left hand to light the interior. I kept my right hand on my gun. The driver kept both of his hands on the steering wheel and stared straight ahead. He was probably just a man in too big a hurry. Or he could be a murder suspect. His basic physical description was the same and his car was close. If he was the man wanted in Venice.

The lag-time factor always gives the advantage to the suspect. He knows what he wants to do and when he wants to do it. He will always be a little faster than you are. If you forget that you will die.

As I approached to within two feet of the door, the driver turned suddenly toward me. His left hand came off the steering wheel and dropped from my view. I couldn't see what he was doing with it. I didn't want to die, but I didn't want to over-react either. (Once I had to shoot a man who was trying to kill another police officer. There was no pleasure in it, just a numb kind of deadness coupled with gratitude that my partner and I were still alive.) I took my gun out of its holster and held it behind my leg. The driver never saw it.

Before all you hotshots start thinking you're real street cops, ask yourself how many people you've stopped that could have killed you, but chose not to.

No more than 10 or 15 seconds had elapsed since I got out of my car, but already I had made a dozen decisions and there would be more. I walked up to the driver's side window and pressed my leg against the door.

"May I see your license and registration?"

"What the f--- for, man, I ain't done nothin."

"You ran the red light back there."

"It was yellow, man, this is bull----."

"May I see your license, please?"

The man stared at me for what seemed like a long time. What was he thinking? Was he merely annoyed at being stopped, or was he waiting for an opportunity to reach for a gun? His clothing and car differed somewhat from what the broadcast had described, but witnesses make mistakes, and more than an hour has passed since the crime occurred.

The decision and responsibility to display and/or fire your weapon rest ultimately with the individual officer.

Suddenly, too suddenly, the driver turned his head away from me and reached under the seat. My gun came up, paused at my hip, leveled with his head. My finger tightened on the trigger. I leaned forward slightly to get a better angle with my flashlight. Everything moved in super-slow motion. The focus of my whole world was in the driver's compartment of that Cadillac. The man pulled his wallet out from under the seat. Before he could turn back to look at me, my gun was behind my leg. He never knew how close he came, but I do.

No one knows about the hundreds of instances when a policeman decides not to shoot. Perhaps no one cares. After all, people say, we're trained to handle such things, as if training somehow removes or dilutes our humanity.

117 police officers were killed in the line of duty in 1978.

A decision to shoot when I should not would cost me my career and my livelihood and would burden me forever

with the awful knowledge that I had killed or injured another human being in error. A decision to shoot when I should not might also cost me years in prison, for a growing segment of our society would try to imprison me for that decision. But a decision not to shoot when I should might cost me my life.

As Officer Melkian suggests, his decision not to shoot the driver of the suspicious car, really might be better described as a series of related decisions. Critical in understanding his decision process (according to the author) and the outcome of the incident were such factors as his previous days encounters, the fact that police officers had been recently killed while making a routine traffic stop, his assessment of the driver of the car and the known costs to him if he should make a wrong decision. As Melikian further observes, only the officer himself knows how close he came in a given incident to shooting the citizen. Often such averted shootings are not observed by other citizens or officers, and are not recorded anyway in official police records. As a result, we necessarily lack systematic knowledge about armed confrontations in which deadly force is not used. While many police departments keep excellent records on shots fired by police officers, the keeping of systematic records for any but the most spectacular situations in which deadly force could have been used but was avoided, is very difficult or, perhaps, impossible. Our research on police use of deadly force has identified several hundred cases of averted shootings in armed confrontations in four different cities. We do not know, however, how many averted shootings such as Officer Melkian describes (or encounters where deadly force is displayed by an opponent) an officer faces in a month, a year, or a career. We must rely on estimates of the

number of times that officers felt they could have shot, but did not shoot in an armed confrontation. In Newark, New Jersey a survey was conducted with some surprising results. In this very violent city, however with a very low rate of police deadly force, officers estimated that over a ten-year average career they could have fired but did not in an average of more than a dozen situations (where shooting the opponent would have been legally and tactically justified). Logs of incidents of high-crime area units, moreover, indicate that numerous encounters where circumstances seemed to justify a use of deadly force, but, in fact, officers did not shoot. There is other evidence that police officers shoot in only a small percentage of confrontations where they could legitimately employ deadly force. One six-officer tactical unit with the Newark Department (Target Red), for example, over a 1 year period made more than 1200 arrests; took away 88 guns; 64 knives; had seven shots fired in their presence and fired but a single warning shot during the year.

Several of the encounters faced by the "Target Red" team not only involved the perception of danger, but its actuality. Consider the incident described in the report below in which officers in this unit (among the most active in the United States in terms of felony contact) disarmed a man with a loaded pistol who seemed intent on escaping at any cost. It is interesting to hypothesize why the officers held fire even as the opponent was apparently contemplating escape or firing upon the officers.

Sir: While on patrol, in an unmarked radio car, in official police uniform, officers were heading north on Camden Street approaching South Organe Avenue. Upon stopping at the corner, officers were approached by an unknown Black Male.

This male stated that another black male, in a black Oldsmobile with New York plates had just threatened him with a small automatic pistol. He further stated that the vehicle was parked on Camden Street with the man in same.

At this point, the man stated that the car was leaving. Officers at this point turned and looked back up the street. A black Oldsmobile with NY plates was observed coming in our direction. Officers at this time blocked the street, blocking the passage of said vehicle. Officers at this point exited the radio car and approached the vehicle which was occupied by listed suspect. As officers got to the car, the man reached back into the rear of the car and placed something into the rear seat area in the top of a purse. Noted at this time, sticking from the top of the purse was what appeared to be the handle of a pistol. At this point, Officers drew weapons and ordered the man to open the doors of the car. The man looked about as if he was going to make an attempt to drive away. Officers again ordered the man to shut the car off and to open the doors. The man complied and was taken from the car. When the man was placed into the radio car, the undersigned went to vehicle and entered the rear seat area. Recovered from the purse which was a Burger King bag was a .25 Cal automatic pistol, loaded with 7 .25 cal bullets.

On several occasions the team disarmed men who were at once armed, dangerous, and psychotic. In the following incident, one of the officers is to grab a carzed man's hand as he reached toward his pocket for a

loaded .38. Luckily for the officers, speed, timing and teamwork averted what, given other circumstances, could have been an almost certain shooting. Consider the report below as well as a follow up report indicating that the opponent in the encounter was so psychotic that he had to be removed from the holding cell to a psychiatric hospital in a body bag, after his arrest:

Sir: Due to the amount of robberies, thefts, muggings and drug activity in the area, Target Red Units are assigned to the area as a lookout.

At the above time, Units were in the area, approaching the corner of 9th Street at Central Avenue. At this time, there were approximately 7 men on the corner. The listed prisoner was among them. Both units stopped and watched the group. The listed prisoner looked at Officers put his hand to his right rear pocket, then turned and started walking south on 9th Street. Officers exited the radio cars, PO Norvilas remained and went down the street passed the suspect. The man was looking around and still had his hand on his right rear pocket. At this point, P/O Norvilas approached from the south, PO Lytwyn from the east and the undersigned from the north. The man was looking about at the different Officers still with his hand on the pocket. Mentioned Officers continued closer and the man started to take something from his rear pocket. PO Lytwyn grabbed the man by the belt, PO Norvilas grabbed the man's pocket and the undersigned grabbed his hand. At this point, it was established that there was a weapon in the man's pocket. The

man was handcuffed and the weapon was recovered: PO Bailey remained with the other radio car as a back up.

The weapon was found to be a loaded .38 cal revolver, INA, serial #007681 loaded with 5 .38 cal bullets. Same was confiscated and later submitted as evidence with the proper report by PO Norvilas.

Officers of unit 310 were dispatched to the North District on a Violent Mental. Upon our arrival officers called for EMB to respond. Officers after a violent struggle put suspect in body bag and transported to MMC to the crises unit. After he was examined he was then transported to the Essex County Jail where he was detained. . Suspect gave 2 names a Frank Smith and Frank Stubbs; he was slated as John Doe.

In many of their averted shootings the Target Red officers were able to disarm men who were in the process of firing their weapons. In the incident described below the team confronted a man who was in the process of shooting another man over a drug dispute. The officers were so close that they could actually see the flame leave the gun barrel. The arrested man turned out to be wanted for murder. In a later interview, one of the officers sardonically remarked that when he saw the muzzle go off he "figured that he would find out if his vest (bullet proof) worked:"

Sir: Officers are assigned to the above area due to the numerous complaints of robberies, larcenies and drug activity.

Unit 131 was in the area and had just stopped a suspicious vehicle with three occupants. As officers

were checking the papers to the auto, loud screaming was heard to our left rear. As officers turned, listed prisoner was observed running up the walk. As he reached the sidewalk area, he turned and pointed a small shiny silver object back in the direction of the building. A loud report was heard and flame was observed to come from the shiny object. The officers at this time, drew our weapons and called to the man stating that we were Police. The man turned and pointed the item at Officers and as he did so, Officers ordered the man to drop the item. The man complied and he was placed under arrest. The item was recovered and found to be a .22 cal revolver, derringer type, North American Brand, .22 long rifle, loaded with 5 live rounds and one spent round. Sear for shots proved negative.

Other averted shootings faced by the unit involved extremely dangerous persons though the incidents themselves were not as dramatic as the preceding. The report below describes an arrest of a man wanted for armed robbery and other serious offenses. The officers were able to time their approach so that the opponent had almost no chance of drawing the loaded .38 caliber gun placed in his pocket. This man was considered to be a "known shooter", a man who would certainly try to kill a police officer rather than surrender:

Sir: Officers of the Target Red Unit were assigned to the upper number streets of the West and South District due to the amount of robberies of Oil Truck Drivers.

A prime suspect in the robberies was one D.____ D.____, B/M 22, NPD Gallery # 148542. This person fit the description of one of the suspects and was alleged to be armed. A check also revealed that the man was wanted for other armed robberies. Warrants at this time had not been issued for the mans arrest.

At approximately 1300 hrs, this date, a general was broadcast over Frequency 5 reference the above suspect. He had been positively identified as a suspect in a robbery this date. Further details are not available at the time of this arrest.

Officers at this time began to look for the mentioned suspect. His known hangouts were checked at various times during the day. One of his known hangouts was the CHIP FROM THE ROCK TAVERN located at S.16th Street and 14th Avenue. At approximately 1830 hrs, Unit 105 and Unit 131 responded to this location to check for the suspect. He was not on the premises. As Officers exited the premises, the suspect was observed as he walked passed the location. At this time he was in the company of two other men.

Officers entered the radio cars and approached the suspects. As they reached 473 S.16th Street, Unit 105 pulled in front of the men and exited. Unit 131 pulled to the men's rear. Officers exited and identified our selves and ordered the men to halt. At this time, D.____ turned and attempted to run north on 16th Street. A brief chase began and the man was apprehended by Officers 105 at

approximately 471 S.16th Street. A brief struggle resulted and the man was subdued. A check of his person revealed a loaded .38 cal, Smith and Wesson, mod. 36 revolver, ser# 400120, loaded with 3 .38 cal bullets. The weapon was confiscated and later submitted as evidence with the proper report. It was found that the serial number had been removed from the butt of the weapon. Weapon recovered by Sgt E and submitted by P/O N.

Other averted shootings evolve from armed confrontations involving irrational opponents. The case described below narrates how the Target Red team successfully disarmed a deranged man, armed with an M-1 semi-automatic rifle which he had earlier fired at his girlfriend:

I hereby report that at 1941 hours April 12, 1980, Unit 105 P.O. Peter L and I, and Unit 131 P.O. CL and P.O. EN, were dispatched to 15 Richlieu Place on a hostage situation where rifle shots had been fired. The F.____ family who resides in a single family house at that location had fled after a grandson, identified as G.____ R.____ M.____ age 28, had gone berserk. Shots had been fired from a 30 cal. carbine. The suspect was holding his girlfriend, J.____ R.____, hostage and was threatening to shoot her. The family alleged that he had fired shots in the house in the past and they considered him extremely dangerous.

Chief V and P.O. S questioned neighbors before any action was taken. It was learned that at least one shot had been heard. Sgt. C and P.O. W went to the rear of the house.

The rear door was found to be protected with an attack dog. The front porch was found to be protected with a second attack dog. This left only the side entrance to gain access to the house.

Sgt. C and P.O. W covered the front and rear entrances. Chief V and P.O. S took positions next to an adjacent house where they could observe the side entrance. P.O. N and P.O. L took positions near a parked auto and covered P.O. L and I.

P.O. L called up to the second floor bedroom. He identified us as police officers. He asked the suspect to come to the side door. He said that he would throw the weapon from the bedroom window, but he would not throw out his weapon. P.O. L and I took positions on either side of the side door. The door opened slowly and P.O. L and P.O. N could observe that the suspect had the weapon in his hands. He was lowering it to a possible firing position. They signaled P.O. L and I. P.O. L reached inside and grabbed the rifle pushing the suspect further inside onto the floor. The rifle was wrestled from the suspect. He was subdued and handcuffed. Sgt. C, P.O. W, P.O. L and P.O. N immediately entered the house and ascended to the 2nd floor bedroom. They found the hostage. She was nervous and scared, but not injured. They recovered a spent 30 cal. cartridge in the bedroom and some live rounds.

Chief V unloaded the weapon. It was found to be a Universal 30 cal. semi-automatic carbine with a full loaded clip and 1 live round chambered. The safety switch was in the off position. A total of 25 live rounds were recovered.

P.O. L and P.O. N conducted a further search of the house. In the basement numerous 30 cal. bullet holes were found in the wood support beams. The family was notified and they were able to return to their house. The suspect was transported to the West District by Sgt. C and P.O. W.

Why, it might be asked was deadly force avoided in these encounters, where in other cases the apparently almost identical circumstances resulted in a shooting (and perhaps a fatality)? Specifically one might ask:

- What critical officer or opponent behaviors make an armed confrontation more likely to result in an averted, as opposed to "actual" use of deadly force?
- How does the sequential decision-process which results in an averted shooting differ from that in incidents in which shots are actually fired?
- What are the critical social influences upon the officer which determine whether a use of deadly force is averted or actually used in a particular armed confrontation?

One way conceptually to address these questions is to find two cases which are similar (or closely similar) in circumstances, but differ in terms of their outcomes. We will offer descriptions of two armed confrontations with apparently insane women armed with large knives. One case (which resulted in a fatality) is the celebrated case of the shooting of Eulia Love in Los Angeles in January of 1979. This incident is still an object of intense political controversy, being the subject of four publicized Los Angeles Commission Reports, several hundred news articles and a Congressional sub-committee hearing. The second encounter involved

the disarming of a woman with a knife who had just killed a man (who had "stolen" half her liquor bottle). While recognized within the department as worthy of commendation, the second encounter received but a brief mention in the local newspapers soon after it occurred in 1976. It, however, offers a useful contrast to the Los Angeles police officer's shooting of the "Woman with a Knife."

"A Woman with a Knife:" (1) A use of deadly force.

The shooting of Eulia Mae Love began as a "routine business dispute" between the gas company and Mrs. Love. On January 3, 1979, at approximately 11:15 a.m., a Mr. John Ramirez, an employee of the gas company, arrived at the home of Mrs. Eulia Love. Mrs. Love, a black 39-year-old mother of four, was told she owed 80 dollars to the gas company. Mr. Ramirez approached the residence and went to shut off the gas meter at the side of the house. Mrs. Love angrily approached Ramirez, screaming that she would not allow him to disconnect her gas service. She then struck him with a shovel, bruising him on the arm. Mr. Ramirez later said that she was "frothing at the mouth" when he retreated from the Love house. He returned to his office and filed a report. The gas company reported the incident to the Los Angeles Police Department.

Just before noon, Mrs. Love went to a local grocery market to pay her gas bill. When she was told that she could not pay her gas bill there, she purchased a money order for just over 22 dollars to continue her gas service. Later that afternoon, Mr. Jones (also a gas company employee) called the police dispatcher and requested a patrol car to join him at the residence. Mrs. Love came out of her house and spoke to the man, emphatically indicating that she would not pay the full 80 dollars owed. Mrs. Love went back into her house and two or three

minutes later emerged with a knife, which she used to hack the branches of a tree on her front lawn. At 4:15 p.m. the Los Angeles Police Department dispatcher placed a call for a patrol car to join the gas company employees ("415 business dispute. Meet the gas man at 11926 South Orchard. Code 2"). A few seconds later, Officers Lloyd Hopson and Edward O'Callaghan acknowledged the call.

As the officers approached the house, Mrs. Love yelled at them "You're not coming up on my lawn, mother-fuckers, you're not going to turn off my gas!" The officers responded with demands to drop the knife. Mrs. Love continued to yell obscenities, calling Hopson a "cocksucker," and telling O'Callaghan he "could lick out her ass." She also yelled, "Use it, if you're going to use it!" (Apparently referring to O'Callaghan's and Hopson's drawn pistols.) At this point the two officers (who had immediately drawn their weapons) appeared to witnesses agitated and defensive, and possibly a bit bewildered. As Mrs. Love backed away from the armed officers eastward along the walkway, O'Callaghan approached the walkway and followed her. He placed his gun in his right hand and pointed it downward. He also removed his baton from his belt, holding it in his left hand. Officer O'Callaghan followed approximately six feet behind. Officer Hopson walked to the front lawn of 11932 South Orchard, one house south about fifteen feet from Mrs. Love. He carried his revolver in his right hand, pointed downward.

Soon the obvious hatred of Mrs. Love for the officers began to intensify. According to the District Attorney's investigators, "Mrs. Love made several right-hand knife thrusts at Officer O'Callaghan's belly". Both officers repeated their attempts to convince Mrs. Love

"that they would not harm her and ordered her to drop the knife."

Alternatively the officers cajoled, threatened and pleaded with the crazed black woman to drop her knife. However, Eulia Love refused to drop her knife: "Fuck you, ain't no mother-fucker going to shut off my gas!"

One witness saw Mrs. Love's actions as overtly threatening the two officers: "Mrs. Love was waving the knife like a threat. Mrs. Love would turn around and yell at them still waving the knife." A different witness emphasized the irrationality of her behavior: "She was very upset and hysterical...I couldn't understand what she was saying. She moved the knife up and down as she talked." At approximately 4:20, Mrs. Love suddenly began to retreat backwards towards her house. Officer O'Callaghan followed closely in front of her. As she retreated, Mrs. Love still thrust and jabbed at the officer's belly with her knife. O'Callaghan stayed approximately six feet away and tightly held his gun and baton. Several witnesses said that at this point Officer Hopson signaled the gas company employees, as if to mean, "come on", as Eulia Love backed cautiously towards her house. Mrs. Love then suddenly halted at the walkway leading from the sidewalk and faced the policeman with the knife in her right hand. O'Callaghan was now less than five feet from her. Hopson had his gun outstretched and followed approximately ten feet away from the "woman with the knife."

Later, several witnesses concurred that at this point Mrs. Love seemed to relax. She began to lower her arm with the knife and seemed to be edging slowly, but certainly towards the house. Instead of her returning to the house, perhaps unharmed, the following seconds would see a series of decisions that altered the careers of the two officers,

killed Mrs. Love and threw the city of Los Angeles into a year-long political turmoil. One witness, Ronald Lewis, described the following seconds as follows: "The white officer knocked the knife from Mrs. Love's hand. The knife fell to the ground at Mrs. Love's feet. When Mrs. Love bent over and retrieved the knife, the white officer hit her again on the shoulder. Mrs. Love began to straighten up, knife in hand. The white officer jumped back about five feet. Mrs. Love had the knife by the handle. While she was straightening up, she threw the knife..." Another witness, William Jones, said: [O'Callaghan] knocked the knife out of Mrs. Love's hand. He swung at her again. He then sought to step on the knife but the 5'4", 39 year-old black woman retrieved it first. She held the knife by the handle in her right hand and quickly moved her right hand and arm back."

It is important to observe that there was considerable disagreement as to whether Mrs. Love actually intended to throw the knife or merely was threatening the officers. Mr. Anthony Wolf, for example, commented "The white officer [Officer O'Callaghan] knocked the knife from Mrs. Love's hand. She retrieved it. The white officer jumped back." Mr. Joseph Harris similarly said, "Mrs. Love picked the knife up and held it by the handle. She stood up, holding the knife in her right hand with the elbow bent and the knife pointing upwards and in line with her head." Sheila Love, Mrs. Love's daughter, in contrast offered that, "The white officer hit Mrs. Love on her shoulder, causing her to fall to the ground. The knife also fell to the ground, a few inches from Mrs. Love's feet. Mrs. Love did not pick up the knife nor did she make any attempt."

There was considerable controversy on other issues as well. Was Mrs. Love's arm moving forward as she was shot? How far did the thrown knife travel in the air (it was found sixty-eight feet from Mrs. Love's body)? What were the final relative positions of Mrs. Love and the two officers? Despite these uncertainties, all witnesses have agreed that at 4:18 p.m. Hopson, about 12 feet away, finally warned Mrs. Love not to throw the knife shouting, "Lady, don't do it." O'Callaghan then dropped his baton and shifted simultaneously into a two-handed gun position, less than 8 feet from Mrs. Love. Hopson froze in his two-handed, semi-crouched position. Mrs. Love then took a step backwards and raised the knife with her right hand above her head. No one will ever know for certain what her intentions were in raising her right hand in this manner. Almost instantaneously, both officers fired six rounds each in a rapid-fire sequence; eight of the twelve bullets entered the body. The thrown knife landed sixty-eight feet from the body. Eulia Love was dead.

During the many inquests regarding the Eulia Love shooting the question was again and again raised as to how the shooting might have been averted. How might the officers have avoided the circumstances which made the final frame decision perhaps necessary or at least psychologically comprehensible. In explaining what went wrong in the incident later, critics and supporters of the Love shooting focused upon decisions made well before the final decision to use deadly force by the two officers. A "majority report" filed by two LAPD commanders focused upon the officers' efforts to engage Mrs. Love in dialogue and their concern for the children's welfare in Mrs. Love's house reflected in their concern that Mrs. Love didn't enter the house to threaten the

children. Police critics of the officers' actions focused similarly on early decisions which in effect made the final decision almost inevitable. Anderson, for example, observed that in large part the threat to O'Callaghan's life was precipitated by the officer's choice of tactics. He suggested that if the officers were "in fear of their lives, they could have stayed behind the car using it as protection when talking to Mrs. Love." He also noted "that their fears were minimal was indicated by the fact that both the officers fully exposed themselves and neither attempted to take defensive action. When Eulia Love began backing, the officers advanced approaching even closer." Anderson further questions the officers' choice of tactics, observing, "the tactic of handling a firearm in one hand and a baton in the other is poor. This is indicated by the officer's inability to recover his balance after knocking the knife from Eulia Love's hand and then having to drop his baton when using his firearm."

Other observers similarly suggested that the type of information given to the officers, the positioning of the officers (the white officer was consistently closer to the woman than was the black officer), their failure to call for a backup prior to encountering the woman, their inability to elicit community aid in dealing with the woman, the decision to unholster upon the confronting woman, O'Callaghan's positioning of his gun in his strong hand and even the officer's failure to work out a prior tactical plan may have all contributed to the final, tragic outcome of the incident.

"A Woman with a Knife" (2): An averted use of deadly force

The second incident, which occurred in February of 1976, involved a

young detective confronting an apparently insane woman who had just stabbed (fatally) a young man who, she claimed, had stolen her liquor bottle which they had promised to share. It provides a dramatic contrast with the Eulia Love incident. An investigative report described the incident as follows:

At 4:35 p.m., Feb. 12, 1976, Detective Phillips, Badge #46, was traveling west on 16th Avenue, when he observed a black female chasing a black male north to south across 16th Avenue. He observed her stab the black male several times in the back.

The victim ran into the Mr. Hair Barber Shop at 201 16th Avenue and the owner closed the door and prevented the black female from entering.

Detective Phillips got out of his auto and approached the female who was still holding the 8 1/2 inch steak knife and was trying to force open the door. Detective Phillips ordered the female to drop the knife. She turned toward him in a threatening manner. Detective Phillips again ordered the female to drop the knife several times and she finally complied.

She was then placed under arrest by Detective Phillips and taken into the barber shop until Tack Unit #1 arrived and removed her from the scene.

The victim was leaning against the wall with a stab wound in the middle of his chest. He was taken to Martland Medical Center via ambulance and pronounced dead at 5:10 P.M. by Dr. Rough of stab wounds of the chest and back.

In a statement made to homicide detectives, Detective Phillips described his actions as follows:

At 4:30PM 2-12-76 I was travelling west on 16th Ave. at 13th St. I observed a black male being chased across 16th Ave. by a black female. While the female was chasing the male I observed her stab him several times in the back, with a long butcher knife.

I stopped my auto in front of 201-16th Ave. just as the male ran into Mr Hair Barber Shop, 201-16th Ave. After the victim entered the shop the owner slammed the door in the suspect's face. When I came within five feet of the suspect she still had the knife in her hand and was trying to force her way into the shop. I stated that I was a police officer and when she turned towards me I identified myself by showing her my badge. She stated "fuck you" and held the knife in a combat position. I commanded her to drop the knife, but she refused. After commanding her several times and talking to her for several minutes I convinced her it was in her best interest to drop the knife. She dropped the knife to the sidewalk and was placed under arrest. She was taken inside the barber shop to await the unit that had been called by a citizen on my request.

Inside the shop I observed the victim leaning against a wall with a stab wound in his chest. When I tried to interview him, he was unable to talk to me. A unit from Martland Medical Center responded and removed the victim to the hospital where he was pronounced dead by Dr. Rough at 5:10 PM.

The suspect that had been removed from the scene by Tact # 13 was taken to Police Headquarters where she was arrested by the undersigned for Homicide and all evidence was submitted and placed in the safe.

Later we were able to interview the detective regarding his actions in coping with the insane woman with the knife. We were especially interested in the types of actions he took well prior to the woman's dropping the knife which might have effected in the final outcome. Just as actions by O'Callighan and Hopson might have affected the fate of Eulia Love, so too it is clear that the early actions of Detective Phillips significantly affected the outcome of this confrontation.

The context faced by Detective Phillips as well as his judgment, of course, differed from those evident in the Love shooting. Detective Phillips was off duty when he observed the woman repeatedly stab the younger man in front of the barber shop. The neighborhood in which the stabbing occurred was, as Phillips put it, "known for its numerous stabbings, muggings, and killings." He immediately assessed the protagonists in the incident as "being two winos," given his knowledge about the types of people who "hung out in the area." Upon confronting the young woman Phillips reported that she muttered something about how "that motherfucker drank my whole bottle up." Interesting, while Detective Phillips perceived the woman as being both insane and probably drunk, he did not (in spite of him seeing her stab her "drinking partner") believe she was an immediate danger to himself. After the woman saw Phillips, she tried to run into the barber shop, but the door was slammed in front of her by the barber. The barber then came out of the shop to assist the officer. Detective Phillips identified himself and kept his pistol

unholstered and pointed towards the ground. At this point, he asked the barber to help him. As the barber "knew the woman he kept calling her name, "Cindy" and asked her to "act sensible and drop the gun." While verbally abusing the officer ("Fuck you, cop"; "Fuck you, cop", she kept repeating) she began slowly walking towards Detective Phillips with her knife. ("Noone steals my liquor that I pay for.") At this point Detective Phillips kept talking to her, slowly, less than five feet from the 8" knife. Phillips kept explaining to her that:

Since you got a knife and I got a pistol one of us is in trouble. I kept telling her to drop the knife. Calling her name telling her I would have to shoot if she got any closer. I must have backed up fifty feet. The Barber was talking to her all the time. Finally, she just dropped the knife on the sidewalk. We went into the barbershop, handcuffed her and took her in. She's in a mental hospital now.

This incident is revealing in that it is similar to the Eulia Love incident in several respects except of course in that Mrs. Love was killed and the second lady was not. While there are some differences in the two confrontations, it might be argued that Detective Phillips faced an even graver initial situation than did the Los Angeles officers; his opponent, for example, had already killed a person with her knife while it was not clear if Mrs. Love had done more than chop at her rose bushes with hers. What, it might be asked are some of the critical differences in the two incidents? How might one develop some preliminary hypotheses as to their opposite outcomes?

One difference lies in the officers themselves. Officers Hopson and O'Callaghan were typical patrol officers in a rather troubled precinct. Hopson had had two deadly force incidents in the two years prior to the Love shooting. Also black/white pairs in Ghetto precincts are at best unusual and possibly invite more stress (both real and perceived) than do all white or all black teams.

Detective Phillips, in contrast, was a black detective with an exemplary record in the Newark Police Department. He achieved the highest score on the Lieutenant's examination and had an exceptional police record in all respects, having won half a dozen valor medals and other distinctions. Also, working as a detective in one of the highest crime areas in the United States gave him perhaps a reservoir of experience in coping with violence greater than possibly did the California officers.

There are differences as well in the opponents. The encounter of officers Edward O'Callaghan and Lloyd Hopson and Eulia Love seems almost a chance event. Mrs. Love was born in Vernado, Louisiana, a rural community of 400. She left in 1953 with her family. In 1963 she married William Love, a cook. Together they had four children. The couple seemed relatively prosperous with William earning almost \$15,000 per year as a cook. In June of 1978, Mr. Love died of sickle cell anemia. Even before her husband's death, Eulia Love had become obviously depressed. She resigned from her job as a school crossing guard. She also had "fallings out" with several of her seemingly closest friends. Seemingly, routine confrontations with officials caused her apparent great pain and anguish. The three months it took to have her Social Security benefits approved from the Social Security Administration were especially painful.

C. P., the other woman, was what Paul Muir (1977) would call one of the "dispossessed." An alcoholic resident of the streets, C. P. had little to seemingly to lose either by taking another person's life even for the price of a liquor bottle or risking hers. After the murder she was found "too crazy to stand trial" and was incarcerated in a mental hospital for the criminally insane, presumably for life.

There are differences, as well, in the setting and scene of the encounters. Eulia Love's home was in a stable working class area in Southeastern Los Angeles. The Los Angeles Police Department and especially the Southwest precinct were known for the "iron fist" legalistic (Wilson's, 1969, term) approach to law enforcement. The Newark Police Department, while known as tough and occasionally physical, was controlled by a black mayor (Kenneth Libson) and police director (Hubert Williams). While at times overwhelmed by seemingly uncontrollable crime on the street, the Newark Department review and sanction penalties for abuse of deadly force are among the toughest in the United States. The neighborhood in which the incident took place is at once heavily patrolled and somewhat of a "combat zone" area known primarily for its alcoholism, drug traffic and violent crimes.

Finally there were differences in the decisions made by the officers in the two incidents well prior to the final resolution of each incident. It is these differences in officer decision-making (even well before the final frame decision) which we suggest are critical in understanding the final outcome of the incident. The decision, for example, by Officer O'Callighan to place his gun in his "strong" right and his baton in his weak hand probably increased considerably the likelihood that deadly force would be used in the confrontation with Mrs. Love. Officer Phillips

decision to elicit the aid of the barber to help convince C. P. to drop her knife similarly conceivably reduced the probability that deadly force would be used in the encounter.

Phases in Police Officer Decision-Making in Armed Confrontations

To explore the consequences of "early" decisions in armed confrontations, we will propose a descriptive five-phase model of police decision-making applicable to both police uses of deadly force as well as averted shootings including a phase of anticipation; a phase of initial contact assessment and entry; a phase of dialog and information exchange; a phase of final decision; and an aftermath phase.

PHASES OF POLICE

DECISION-MAKING IN ARMED CONFRONTATIONS

PHASE ONE:	ANTICIPATION
PHASE TWO:	ENTRY AND INITIAL CONFRONTATION
PHASE THREE:	DIALOGUE AND INFORMATION EXCHANGE
PHASE FOUR:	FINAL FRAME DECISION TO SHOOT/NOT SHOOT
PHASE FIVE:	AFTERMATH

In addition to increasing or decreasing the probability that deadly force will eventually be used, certain early decisions might either restrict or expand the choices later available to the officer. And, it might be offered, the dilemma posed in the confrontation's final frame is in many ways a function of choices made earlier in the episode.

It is clear, then, that the "final-frame" situation encountered by the officer is in many ways determined by choices made earlier in the episode. Thus, for example, an officer who receives a dispatch indicating

that an opponent is more dangerous than he really is faces a different emotional and factual situation from an officer (in a comparable situation) who receives accurate information. Similarly, positioning upon physically confronting the opponent and communicating with him might either avert a final-frame decision to shoot or alter it substantially. An officer who similarly discovers, during a prolonged confrontation with an opponent, that he is dealing with an acutely psychotic individual (rather than a more instrumental criminal one) will interpret the man's actions quite differently than would an officer (confronted with the same individual) who had not made those observations. It should finally be noted that early decisions by officers may either prolong or curtail the decision process. By seeking cover early in a confrontation, for example, an officer can afford to engage in a more prolonged communication with an opponent than can an officer without similar protection.

A brief word should be said about our uses of phases in this model. First, it should be noted that some very rapidly occurring shootings may not have identifiable stages in the sense we use them. Second, the concept of phases may have different technical and common-sense meanings. Lofland (1970), for example, posits a phase to signify an analyzable component within a social event. Goffman (1975) defines repetitive phases within social rituals. In common-sense usage, phases signify regularly occurring periods in types of social events; they also signify choicepoints at which an activity may continue or be terminated. Viewed in this context almost any human transaction may be said to have phases. A "date" between a man and a woman may be said to move in phases towards an erotic encounter. A school course may appear to have phases in terms of its learning objectives. A business meeting may

proceed in phases towards either "a deal" or a disruption of business relationships. A party may move from a "getting acquainted phase" to a phase in which inhibitions become less constrained.

It is in this common-sense context that these "phases" within an armed confrontation are used. To further exemplify these phases of officer decision-making, it might be useful to illustrate briefly each phase in terms of the Love and C. P. confrontations described earlier.

Phase One: Anticipation

A critical phase in armed confrontations are those minutes from notification, call, report, or dispatch to arrival on the scene where will occur the actual encounter with the opponent. During this period the officers may receive information about the citizen suspect from a dispatcher, fellow officer, or citizen. The words used by others to describe the opponent may greatly effect the set the officer takes towards the incident:

Shooting of Eulia Love

Time - 4:15 - Dispatcher puts out call "415" - business dispute
"See the gas man" [It has been observed that this call may have influenced the final outcome of the final episode.]

Time - 4:18 - Officers arrive at gas company truck and spend only 30 seconds speaking to gas man [the decision by the officers not to gather more information from other sources might be seen as an important influence upon the outcome of the episode].

In the case of the C. P. incident, there was no phase of Anticipation since Detective Phillips observed her stab the young male.

Phase Two: Entry and Initial Contact

The decisions made by officers on physically entering the scene or first approaching the citizen may have a critical impact on the final outcome of the episode. Here the officer receives direct impressions which may confirm or refute information received earlier about the opponent. An officer who seeks cover immediately in a confrontation with an armed robber, for example, extends this phase, and gains greater latitude in reacting to movements by the robber than would an officer who is exposed. Similarly, the officer who gains immediate "eye contact" with a psychotic citizen possibly reduces the chance that he might use of deadly force.

Shooting of Eulia Love

Time

- 4:18 - Officer O'Callighan unholsters revolver prior to approaching Mrs. Love [as did officer Hopson] and places his baton in his weak hand. (This decision might be seen as a crucial turning point as it obviously limited non-lethal alternatives.)
- 4:18 - From several witnesses' testimony, it seems that the white officer (O'Callighan) was physically closer to Mrs. Love than was the black officer (Hopson); the respective distances were six and twelve feet. (Did this affect the final outcome?)

Arrest of C. P.

Time

- 4:37 - Detective Phillips approaches C. P. with gun down and badge in hands. (He assumes a firm but unthreatening posture.)
- 4:38 - Phillips positions himself 5 feet from C. P. and next to barber. (He actively uses the barber in confronting C. P.)

Phase Three: Information exchange

Many (and by no means all) shooting episodes have a phase (possibly verbal, possibly non-verbal) in which there is some communication between the police officer(s) and the citizen. An officer might tell a citizen to "drop his gun" or order him to stop. A police officer might similarly say something to distract or intimidate the citizen. Some "information exchanges" with opponents, as with opponents holding hostages, might proceed for hours or even days. Often, this phase in armed confrontations end with only short epithets. A citizen may threaten the police officer or indicate his contempt "for cops". Sometimes information exchanges may continue for many minutes, frequently such exchanges are far briefer. In the Eulia Love case there were more than two minutes of face to face dialogue between Mrs. Love and the two officers. The C. P. episode may have lasted five minutes.

Shooting of Eulia Love

Time

- 4:19 a - Officers approach Mrs. Love in a threatening manner with gun and clubs drawn. (Would another police approach style have avoided the tragedy?)

- 4:19 b - Eulia Love shouts obscenities at officers. Officers react by increasing demands for her to drop weapon. (Was the response by the officers appropriate/avoidable?).
- 4:20 - Mrs. Love began to walk towards her house. Officer O'Callighan decided not to allow her to continue towards the house and to knock the knife out of her hand. (The Los Angeles Police Commission Report on the incident also notes that Hopson apparently elected not to encircle her, so as to prevent retreat.)
- 4:21 - After Mrs. Love retrieves knife, officers elect not to back away to safety but to try to control Mrs. Love through threats of deadly force and verbal comments. (Backing away to safety was perhaps the only way to avoid deadly force at this point.)

Arrest of C. P.

Time

- 4:38 - C. P. utters obscenities at detective.
- 4:39 - Barber and detective demand that C. P. drop knife. (Did presence of a known community [non-police] person, supporting Phillips, effect outcome?)
- 4:40 - Phillips and barber back into street while certainly and firmly demanding that she drop knife or someone was going to get hurt. (Why did Detective Phillips verbal tone apparently prove effective?)

Phase Four: "The Final Decision"

At some point in the confrontation, the officer decides to shoot or that shooting will not be necessary. Occasionally, as in a "sniper" operation, the final frame might be a deliberate, planned action - given certain contingencies such as the appearance of an armed kidnapper in an open space. In other cases the final frame might simply be the reflexive squeezing of the trigger. A decision that shooting is not necessary may follow disarming the opponent or the display of evidence indicating the opponent is harmless. A decision that shooting is not acceptable may follow the moving by bystanders into a region of danger or the realization that the opponent is a youngster.

Shooting of Eulia Love

Time

4:21 - Officer O'Callighan shoots/Officer Hopson shoots Eulia Love [the Final Frame]. (What triggered the shots/the number of shots?)

Arrest of Cynthia Parsons

Time

4:40 - Cynthia Parsons drops knife on sidewalk, is arrested and taken to barbershop awaiting transport to the police precinct.

Phase Five: Aftermath

A confrontation with the opponent often continues whether or not the shooting results in a fatality. In this, the aftermath phase, citizens may berate the police officer or even attack him physically or

verbally. In most jurisdictions, the officer is separated from his partner; in some the officer's gun is in a symbolic gesture stripped from him. The rest of the day is spent filing reports, perhaps being questioned by homicide and internal affairs officers and certainly answering to superiors. For many officers, the next days are disturbing if there has been a fatality or serious injury. Sleepless nights, non-stop talking and persistent nervousness are common aftermaths; a far cry from the officer portrayed in the film Bullet who nonchallantly returns home to his lover after a bloody shooting in an airport.

Contact with the opponent whether alive or dead sometimes continues after the shooting. One officer, for example, kept yelling at an opponent he had just shot to "wake the fuck up." Another officer was punched by a wounded opponent while he was placing the opponent on the stretcher. Other officers have reported receiving calls of thanks from opponents for "not killing" them. Other officers have been threatened, harrassed or even chided by their opponents in deadly force encounters.

Shooting of Eulia Love

4:22-4:25 - Officers Hopson and O'Callighan cover the body and call for an ambulance.

Arrest of Cvnthia Parsons

4:25- Phillips and barber attempt to calm C. P. down
5:00 p.m. in barbershop awaiting transportation to the precinct
jail.

Social Influences Upon Police-Officer Decisions-Making
in Armed Confrontations

We will now turn to some of the social forces which influence police decision-making at each phase of the armed confrontation. How do various social forces alter the liklihoods of various decisions at each phase of the armed confrontation; and how, in the process, are the probabilities of an eventual use of deadly force increased or decreased?

The table below suggests some of the social influences relevant to each of our five phases.

<u>PHASE</u>	<u>THOUGHTS & BEHAVIOR OF OFFICER</u>	<u>POSSIBLE SOCIAL INFLUENCES</u>
ANTICIPATION:	ASSESSMENT OF SITUATION PRIOR TO ENCOUNTER (How dangerous/what type of danger does the opponent represent?)	-Mode of Information (dispatch; citizen; other police officer; direct observation.) -Believed accuracy of Information. -Prior set of officer towards information.
ENTRY AND INITIAL CONTACT	INITIAL POSITIONING AND DIRECT INFORMATION GATHERING (Confirmation of revision of earlier information; attempts to maximize options/minimize the opponents options?)	-Physical appearance of opponent. -Distance between self and opponent -Safety and cover. -Timing.
DIALOGUE AND INFORMATION EXCHANGE	INFORMATION DISPENSED TO OPPONENT AND RECEIVED (Intentions of both police officer/opponent are clarified/elaborated.)	-Information given by opponent (others). -Body language of officer/opponent. -Type of communication made by officer. -Changes in the degree to which officer controls situation.

<u>PHASE</u>	<u>THOUGHTS & BEHAVIOR OF OFFICER</u>	<u>POSSIBLE SOCIAL INFLUENCES</u>
FINAL DECISION:	SHOOT OR DECIDE AGAINST SHOOTING	-Movements by opponent -Immediate threat by opponent -Dangers to other implied by decision to shoot.
AFTERMATH:	COPING WITH THE DECISION. (How does officer effectively deal with the actions taken?)	-Certainty of officer in reasonableness of decision. -Presence of supportive citizens, officers. -Presence of psychological support for officer.

As indicated above, specific social influence might be hypothetically related to the outcome of each phase of an armed confrontation.

1. Anticipation: The Prior Definition of the Situation

We have hypothesized that the mode, quality and credibility of information made available to the police officer regarding the opponent influences the eventual outcome of the incident. One critical source of police information is of course from the dispatcher. Rubinstein (1973) well describes the importance of a dispatcher to the urban police officer assigned to a particular "job":

What the dispatcher tells a man when he gives him an assignment is all the policeman knows about what he will find until he actually arrives. The dispatcher must tell him everything relevant to a job in the most economical way, to avoid wasting airtime...The patrolman must have faith in the skill and experience of the dispatcher because of what this unseen person relates to him establishes his initial expectations and his manner of response to the assignment.

In many cities, a numbered dispatch code is used to provide the officer with information as to the type of incident he might encounter. For

example in California an officer might get a call involving an armed robbery as follows:

211 [armed robbery] in progress. Black male, age 20-25, with gun at 20745 Figuero, at the liquor store.

In New Jersey an officer might receive a call such as:

5-60. [b and e - breaking and entering in progress] back of factory. Neighbors saw suspects on roof.

While, in theory, such systems of communications should provide standardized and accurate information to the officers, in fact, often the information received by police officers may be highly misleading. One officer, for example, received a dispatch indicating that two men were having a fight with guns outside a tavern. When he arrived (with shotgun drawn) he found two friends "fooling around" "with billiard cues," "playing like the three musketeers." Another dispatcher indicated that a "suspected" armed robber was walking with a stiff leg, as he was carrying "a sawed-off shot gun in his pants leg." A man with a legitimately broken leg, vaguely fitting the description was soon afterward nearly shot. Another officer in a state which allows the shooting of fleeing felons received a dispatch that a store of an old man (he knew) was robbed. He fired a warning shot at three tall blacks fleeing the premises through an alley. It later turned out that the robbery was a "petty theft" involving some Halloween candy being stolen by three juveniles (who were narrowly missed by the police officer's bullets). It should also be noted in this regard that the Eulia Love shooting began with the rather innocuous dispatch: "415. Business dispute, see the gas man."

There are many reasons for the distortion or inaccuracy of information given police officers relevant to calls for service. One factor lies in

the fact that most reports are initiated by unsophisticated civilians. A citizen, upon seeing a candy bar being stolen, for example, may grab a telephone and say, "There's a robbery taking place at ...," when, in reality, a petty theft has taken place. This distortion is exacerbated by the fact that in many high-crime areas, police communications are jammed during many periods of the day (especially at night). Police dispatchers are guided by coded priorities in dispatching jobs; citizens know that if they want a police car to come to their assistance, they must convince the dispatcher that a "high priority" job has taken place. In many cities citizens faced with a prowler will report that a "man with a gun" is in their backyard. Similarly, others will report that a "burglar" is an "armed robber" and occasionally that a man with a gun has fired his gun. This escalation of dispatched information may have several consequences for the officer. Some officers may "overanticipate" the seriousness of the call, believing the information given by the dispatcher. Others may "downplay" them based on past experiences "that all calls are exaggerated." ("It's just another black kid in her backyard...") A surprising number of officers may virtually ignore details of the dispatch altogether, preferring to assess the situation by their own observation after their arrival on the scene.

Another consequence of the dispatch "logjam" in a high crime area is that officers arrive late to almost all dispatched jobs. One officer complained. "Almost all the jobs are more than an hour late. You are more likely to run into someone else's job or something fresh than you are to hit the job that comes over the radio." In the observation of a tactical team by one of us, a unit of the team received an urgent job that indicated a Greyhound bus was being robbed. The officers raced to

the scene and found no bus at the location. Further inquiry indicated that the robbery had occurred no fewer than six hours before.

Obviously, not all shootings result from dispatched assignments. In many instances, the information may come directly from citizen to officer, as in this case:

I was in a bar drinking with a friend when this guy comes in a bit watered down saying, "There's this motherfucker with a shotgun who says he's gonna kill everyone in this bar." I look outside and see "a bar regular" with a cane doing a Fred Astaire act, sure enough shouting soused, but not really hurting anyone. I looked at the guy who had told me about the man and I saw him laughing with his friends, having a big laugh about me rushing to the door. I almost killed him, not the other guy!

Such direct citizen to officer information may, of course, provide useful information to the officer. The officer described earlier (page) who disarmed an irrate man with a rifle found out from a neighbor the following information about a suspect who was later disarmed without incident:

I talked to the lady next door and find out the guy's Ukranian (I'm Ukranian too); that he was mad at his old lady; that he had fired his .303 into the ceiling and that he loved model trains and also that his name was George. After we got him barricaded, Gary and I moved up the stairs, and I yell up, "Hey George, you want to meet another guy named George?" He comes to the door to see whose there. I grab the gun and it's over. After we got him cuffed we sat in the kitchen,

drinking beer, talking about Russia and trains. He was a real nice guy, really, just got upset.

Many police officers who are able to use direct citizen information effectively in anticipating an encounter have developed techniques to question citizens critically. One officer faced with a robber in a back room of a store described asking a witness the following questions:

I said what do you mean a "robber?" What did he take; did he threaten you; did he say "give it up when he took stuff?" How old was he? What do you mean you don't know?... All this is in less than a minute, but its important because the answers change whether you can shoot or not if he decides to run, or comes at you.

In some armed confrontations, officers receive relatively detailed knowledge of an opponent from more experienced officers, including specification of modus operandi. One sergeant gave his tactical squad the following information about an opponent:

Watch out for Dinky. He's definitely a shooter. If he goes for his crotch shoot him. A snitch told us he hides a piece down there (a .25). He also may be carrying a sawed off shotgun in some old newspapers. He susposedly likes to kneel down when he shoots. Our information says he might be a Nam Vet. We also hear that he uses the name Richie, like a nick name; but watch it, he is definitely a shooter.

Take no chances with this guy.

Other information is associated with earlier direct personal contact. One officer who purposely aimed for the legs of a fleeing but armed opponent said: "Like I kinda knew Petey and he knew me, - not well, but

around the neighborhood before and then after I became a cop. I arrested him a few times and I didn't bear him no grudge. I didn't think he'd try and kill me so I worked extra hard not to have to shoot him. It was like we was almost friends."

2. Entery and Initial Contact: The definition of options

Other social influences may influence officers in behavior during the initial encounter of an armed confrontation. For example, upon entering the actual setting of the confrontation, the police officer will (through his actions) seek at once to expand his own options, and curtail those of the opponent. One officer described his strategy in an incident described earlier where an armed (and obviously) dangerous murderer was captured by the officer and his partner.

Well we were looking for D. and finally we saw him walking on Avon and 19th. Here all of the police department was looking for him, paying snitches and stuff and we just see him walking there. Pete and I talk as we ride. I get out of the car and go around the corner waiting. Irvin gets out and cuts over lot to edge of building which he is approaching. Just as he reaches the corner where I am, Pete rides up in the car with the shotgun out. Presto we got him on three sides. A perfect approach.

A similarly well executed approach was described by another officer and also resulted in an apprehension of a dangerous felon. "I was in my favorite lunch spot and I hear my waitress tell her sister (they're Italian) that 'this guy has a gun.' I see this black man standing nervously by the register. I tell her in a loud voice that I'll see her Monday, and pretend to leave but really wait by the post. When he

walks by, I pull gun to his ear and very softly tell him what will happen if he moves. He just freezes and gives up. He never had a chance. It was all defined by the position I had."

Good position requires an appropriate choice of distance for the circumstances. In the averted shooting described earlier in this chapter in which the officer successfully reached for the opponent's hand as he reached for a gun in his pocket, there was the obvious requirement of a close initial approach. Other shootings have been averted because the officer was able to "stay away" from an opponent with a sharp object. It might be offered in retrospect that officer O'Callighan was too far away from Mrs. Love's manipulative action, yet too near to reduce her anxiety about him.

Finding protective and "hard" cover is also critical effective approach to dangerous situations. One experienced training officer suggested, for example, that while most departments train their officers "in reflexive response to fire", he thought "that the first reflex should be to look for cover, then decide whether you are going to shoot or not. Too many cops think that you can stop someone from killing them with a revolver. I would much prefer a brick wall." Another officer similarly described how he was able to "wait out" a robber with a pointed rifle due to adequate cover:

Well he had this rifle at us, but we had an alley wall between him and me. I just figured I could wait that extra second, knowing that I had that protection.

Conversely, many shootings occur when an officer is "out of position" on entering the scene. One officer who has only fired one shot in fifteen years (with numerous averted shootings and literally thousands of arrests) described the circumstances of his sole shooting:

I was stupid. I got in the middle of this crowd with a bunch of Puerto Rican pukes behind me. I got hit from behind by this guy with a bottle. As I was waking up this guy came at me, while I was on the ground, aiming for my head with a tire iron. I'm not sorry I shot him, except I was sorry he didn't die, but it still only happened because of the way I came into the crowd. I won't do it that way again.

Another example of how positioning early in the encounter affects the options available to an officer may be illustrated by an incident where a California officer confronting (unexpectedly) two armed robbers found himself extremely vulnerable to the expected fire from the two opponents. It might be hypothesized that his action in firing a shotgun blast (in a crowded street) was dictated at least in part by the position he found himself in as the men left the massage parlor they had just robbed:

On February 15, 1980, at 9:33 p.m., Officer Bernard M, in response to a robbery in progress alarm, drove to 2512 Wilshire Boulevard, Santa Monica. That location is the Ginza Massage Parlor. He arrived there at 9:37 p.m. Officer M observed the building to be lit and there was an "open" sign in the window. He took cover behind a large potted plant approximately 10 feet west of the front door of the massage parlor. He was armed with a shotgun. As he waited, Officer M had the police station telephone the massage parlor to determine if anyone was in the location. He could hear a telephone ringing in the massage parlor, but no one answered it. Officer M was

just about to change positions when two men walked rapidly out of the massage parlor. The first one out was holding a gun in one hand and a box in the other. M could not observe the hands of the second man.

At that point, Officer M stood up and yelled, "Police! Freeze." The man with the gun turned toward him and M fearing for his safety, fired one round in the direction of the two men. (Officer M was in an extremely vulnerable position and approximately 15 feet from the robbery suspect.) Both men turned and ran. The gunman went east, away from M, the other went back into the massage parlor. M then fired another round at the gunman to prevent him from running into an open movie theater on the southwest corner of 26th Street and Wilshire. That shot struck the window of a lamp store on the east side of the massage parlor. The gunman stopped running and took cover in an alcove entrance to the lamp store. M observed a box thrown to the sidewalk from the alcove, currency spilling from the box. He also heard a metallic click as if a gun striking the pavement. The gunman was ordered out and placed on the ground. He was handcuffed and arrested without further incident. That gunman was subsequently identified as Steven R.

The man that had run back into the massage parlor was found hiding in a rear bathroom of the parlor. It was only then that it was learned he had been wounded. He was taken to Santa Monica Emergency Hospital where he died at 11:04 p.m. He had sustained eight wounds from the first shotgun blast,

five pellets lodging in the chest. The entry wounds were in the area of the left shoulder.

The manner of entry into the confrontation context may limit later positioning, as in the following case:

We saw this cab driver with a ragged looking passenger so we followed him from a distance. The car kept driving around, like it was going nowhere. Suddenly at a dark corner the cab turns off its lights. We turn the red light on and the driver jumps out; hey this guy is robbing me. A second later the robber jumps out with a gun and I go after him and go behind him for about a block and a half. I'm running with a gun in my hand. He's got one in his hand. All of a sudden I turn the corner and see him standing there pointing the gun at me. I tried to shoot but the gun jammed. It turned out that his gun was a replica of all things. I almost shot him though because of my momentum. I was all off balance.

Direct observations may, of course, drastically revise earlier beliefs about the opponent. One patrol officer, for example, faced with a drunk old man waving a gun on the street said:

I got a call about a man with a gun - attempted murder. I got to the location and see this old man yelling at his son-in-law and pointing a .22. I looked at his eyes. He was so drunk I didn't think he could hit me with that gun. He was just an old man upset with his son-in-law but not what I expected from the dispatch.

Alternatively, another officer described an encounter in which his initial contact revealed a far greater degree of danger than had been anticipated earlier:

We go to this "boy leaves girl; girl leaves boy thing."
She wants him out of the house and all he wants is his clothes and things. Well she decides that the radio was hers not his and he didn't agree and went bizerk. I mean bizerk. When we got there we were expecting a nothing thing but now this guy gets totally crazy, throwing light bulbs and stuff. He went from calm to attacking three of us with a broken bottle and a kitchen knife in nothing flat. It took all three of us to get him down and we almost had to kill him.

Many officers report that during the initial encounter they develop "cues" as to how to cope with the opponent. An example of such perception during this phase of initial contact is found below:

Well I was closing the building (a store) and all of a sudden this guy walks up real slow to the door and sticks a gun in my belly. Now I've been trained in this type of situation to give him what he wants, but he is so nervous that I think, "hey this guy is going to kill me out of fear," so when he looks at one of the girl clerks I take a chance and grab his gun, so luckily I'm here. It s all different when you actually see the guy.

Officers tend to believe that the ability quickly, accurately and objectively to sense an opponent's capacities is critical for survival: both professionally and physically. One officer noted that "its the ability to judge how dangerous a man is in a few seconds that tells whether you can make it out here; it's a certain look, also, what they do with their hands." Another officer commented, "I usually pretty

much discount what I hear from the radio, my partner a citizen or anyone else; what's more important is to observe anything unusual; anything that will tell me something about the guy; anything to give me a handle on how to deal with the situation."

In summary, two factors seem to be most important at entry in determining the outcome of the incident: The degree to which the officer positions himself to control the situation (i.e., expand his options and limit those of the opponent); and his ability to weigh effectively his direct impressions against what he has learned earlier about the opponent. This definition of the circumstances of the confrontation and the new information received will, of course, influence the terms of any dialogue or information exchange between police officer and opponent.

3. Information Exchange: Mutual self-definition between police officer and citizen

In many, but not all armed confrontations, there is a meaningful exchange of words between police officer and citizen. And it is certainly the case that some shootings are avertable by means of information exchange. One officer was faced with a crazed man with a knife in a bathroom. Roughly a year later the officer recalled his dialogue with the man:

I said in a very calm voice, "Would you please drop the knife." He said, "You're gonna have to take it from me!"

We stood there about twenty minutes. I finally kept talking, saying things like "Do you have a problem we can get settled?"

I kept coaxing him and finally he gives up.

Some information exchange involves explanation of his behavior by the opponent, as for example:

Well, we go to this bar and hear from a patron that a guy has been stabbed. We go in and see this guy run past us. As he's running, he's turning back, saying "This guy robbed me before and now he's robbing me again. That's why I stabbed him." Soon I fired a warning shot, but I did think a bit about the circumstances that brought this about.

Many officers report that the most effective communications are those which are least ambiguous as to the intentions of the officer. Among those communications which are most commonly used are orders, non-ambiguous and assertive:

- "FREEZE, POLICE. DON'T MOVE."
- "GET OUT OF THAT CAR!"
- "HANDS ON THE WINDSHIELD. DO NOT MOVE!"
- "FREEZE OR I'LL SHOOT!"
- "DROP IT, SHITUM!"

Such communications share a well known, clear meaning and a familiarity through media, fiction or life to most citizens. It should be added that the tone of voice (its certainty and command presence) may be a more essential element in the dialogue than the communications' particular content.

Some shooting episodes are characterized by rather ineffective efforts at dialogue with the opponent, where officers communicate very ambiguous messages to the opponent. There are situations, for example, where police officers are unable to convince the citizen that they are, in fact, police officers. Language may be a problem. In one confrontation in Los Angeles, two Russian defectors were chasing a car thief with a .22 rifle. Soon they were confronted by a group of police officers who

ordered them to "freeze", to drop their weapons, etc. Only later was it discovered that the men, one now dead, spoke only Russian.

An example of the difficulty of understanding the communications of a deranged man and the potentially lethal consequences follows:

Upon arriving at the scene both deputies exited their radio car. As they did, Deputy N reported that he heard a scream from inside the house. As the deputies got near the open front door a witness, D. B., came out and stated that J. R. was in the house trying to stab someone.

Deputy N entered the house first and just as he got inside someone in the house said, "there he is." Deputy N looked down the hall and saw Mr. R. standing near a closed door with a nine-inch butcher knife. Deputy N ordered Mr. R. to drop the knife.

Instead of complying with this demand Mr. R. turned and began walking toward Deputy N with the knife stating, "shoot me."

At this point Deputy N drew his weapon as did his partner, Deputy R. Both deputies made repeated demands for Mr. R. to drop the knife. Family members in the house were also calling for Mr. R. to drop the knife.

Mr. R. continued to advance toward the deputies repeating the statement, "shoot me." Mr. R. was holding the knife in his right hand pointed upward. Mr. R. continued to advance and Deputy N, fearing for his life, fired

one shot when Mr. R. was about eight to twelve feet from him wounding Mr. Ramirez in the lower abdomen.

Body language of both citizen and police officer may be important both in determining mutual perceptions of the episode. Since, for the most part, the encounter represents the first time the citizen and police officer have met one another, they make critical inferences regarding the intention of the other from their body position, language tone, and movements.

The body language of the citizen may be critically important in determining the outcome of some uses of deadly force. One officer astutely observed: "When he comes you have to interpret quickly, is he just a drunk wanting to shake hands? Is he going for my gun? Is there a gun in his hand? It's all judgement." Another officer observed that "there is an invisible line; if he crosses it with his toe he's dead." Some body language may signify an end to the confrontation. One officer, for example, described an encounter, "where after I fired this one shot, the guy just ran to a porch and sat down waiting for us to handcuff him." Another officer similarly recalled an incident, "where suddenly he [the opponent] jumped back into his car and hid there curled up like an infant."

Police body language may be equally important. It is often forgotten that citizens may be irrationally afraid of the police (and, interestingly the police officer may be irrationally afraid of the citizen). A citizen may interpret the actions of a police officer as unreasonably violent and fight (or even shoot) to defend himself. He also may fire not sure if the policeman is in fact a policeman at all as in the following tragic confrontation described by one Eastern city

police officer who was one of eight officers involved in the fatal shooting of a tavern owner who fired his gun in apparent fear that he was being attacked:

We rolled up to this bar to respond to a report of a robbery. There were two guys in an old car. One guy has a rifle the other is asleep. What happened was (we didn't figure this till later) that we arrest the younger guy with the gun without much problem, then the older guy hears the rumpus, wakes up and sees eight white guys (we were all plainclothes) pulling at him. He pulls a .25 and shoots Nick in the neck. We fired and killed him. As he's dying on the way to the hospital he yells that he thought we were the burglars coming back to rob him. It turns out that he owns the tavern. It was a mess.

At times a combination of cooling words -- and, paradoxically, strong non-lethal force (e.g., a punch or kick) -- can disarm a suspect without deadly force being used. In the following case officers lulled a crazed and also armed man and then "coldcocked" him to get a loaded gun out of his hands:

Unit #518, Officers E and H also responded to assist at request of Sgt. B. Mr. D. E. answered the door and was apprised by Sgt. B of the eviction notice. At this time, D. E. had his right hand on gun which was half way out of pocket and refused to give up his weapon, threatening, "I'll shoot the police or anybody who comes near me." All four officers were forced to draw their service revolvers in self defense as Mr. E. continued in his adamant refusal to give

up the gun, still ranting wildly that he would shoot anyone who came near him. The officers tried to calm Mr. E. with words and at the same time moved in closer to momentarily distract him. D. E. then started to swing wildly at officers with his left fist, while at the same time holding gun with right hand at officers. After a violent struggle over furniture and floor of room, D. E. was finally subdued and a fully loaded .22 cal. pistol was taken from his person. During the struggle for weapon whereby necessary force had to be used, Mr. E. sustained a slight laceration over left eye. This was treated with a "Butterfly" band-aid by Dr. Colonari at the College of Medicine and Dentistry Hospital.

Another issue involves the officer's ability to establish his identity and authority as a police officer to the citizen. In one confrontation, a black officer, for example, accosted a group of Spanish citizens who were beating an older black man who had bumped into his car. The officer described his dialogue as follows:

Well I see this old man getting beaten. I'm off duty and come up and say I'm a police officer. I tell them, "You don't have to beat that old man." The man just ignores me, like I'm not there, like I don't exist and keeps beating the man. Finally another guy comes up and hits me with a hammer. As he's coming back I shoot him in the leg. At the trial they all swear they didn't know I was a cop.

Gestures are important communications in some armed confrontations. During one chase, for example, a perpetrator who was later wounded, "Gave the finger" to a police officer as he tried to escape. Grimaces,

verbal insults, short epithets, etc. similarly mark the information exchange of many confrontations. Often police officers gain a sense of the personality of their opponent in this type of exchange. One officer, for example, noted that the man he shot was "a real surly guy. Real rude; you could tell by his face." Another officer described a man at whom he later fired a warning shot at as follows: "He was just afraid, a typical addict. You know, afraid he'd miss his fix. You could tell by his face. Just a certain type of person who would kill you for a hit of dope."

The phase of information exchange provides an opportunity for the officer to non-lethally (possibly verbally) deter the opponent from creating conditions which threaten his life (i.e., pointing a gun at him) or authority (fleeing under certain circumstances). It also provides an opportunity for the officer to gain further information as to the actions of the opponent in response to his commands. For example, an officer commented regarding an incident in which he shot a man in the leg, "When I saw that he wasn't responding to my telling him to freeze, but kept coming, that's when I said, 'Hey I got a problem here['" When such dialogue fails, the next step is violence, perhaps deadly.

4. The Final Decision

The culmination of many armed confrontation is of course the use of deadly force by the officer. The opponent has failed to respond to orders to drop his weapon, the officer fears that a certain object is a gun and has no time for dialogue, or the opponent has actually shot at the officer.

Needless to say, the social psychology of final frames is extremely complex, involving the unique characteristics of circumstances, citizens

and officers. In some final frame situations, one might assume that only the most foolhardy or stoic individuals would refrain from shooting. In other situations, individual variation is more understandable.

Many reflexive shootings begin with a shot being fired at the officer. One officer, for example, described the following incident:

We had heard on the radio that there were these guys shooting people in the bars--it was a Saturday night--and we got a licence plate and start rolling down this hill. Soon we spot the car that fit the description of the guys with almost the right plates and we follow them. Soon he starts speeding ahead and we follow him. The guy suddenly slams on the breaks and jumps out of the car and shoots at us with a .45. I was lucky. As I jump out I see him aiming, I shoot and hit him. It was automatic.

Another officer described a situation again involving a shot fired at him, precipitating an automatic response:

Well we started running after this guy, and I to be honest thought he would just give up like that, but he runs to a car and fired. Both my partner and I fired through the front windshield and luckily (I guess) hit and killed him. It couldn't have taken more than five seconds.

Other confrontations and final frames may be of even shorter duration. The final frame of the almost instantaneous shooting described earlier was recalled by one of the two officers involved in the incident:

We went into this kitchen after the guy and he just fires at us, just like that. We fired back as soon

as we could--just like that. It was like my hand did it without my brain telling me much.

The speed in which such reflexive confrontations occur may be startling. Another officer, for example, recalled how "the car came towards me, and I thought, 'Oh, my God, this is it, I'm going to die,' and I let go a round just as the car was on top of me." Another officer recalled, "My partner yells, 'Watch out he's got a gun.' His arm turns towards me, that's as simple as it was." In some confrontations the decision to use or not use deadly force emerges out of (an often emotional) hand-to-hand struggle. For example, one officer faced a.

...Mr. R. who came to within one to two feet of the officer, raised his gun and shot him, striking him in the left side. Both men fell to the ground as Officer B. grabbed R.'s hand and the gun. "I knew he was trying to shoot me again because I could feel the cylinder of the gun turn. Finally I was able to unholster the gun and shoot him."

Other reflexive shootings occur among large groups of officers. In such shootings, the decision to shoot may be a response to the group of officers, rather than to specific actions by the opponent. For example:

We were in roll call when a "211" [armed robbery] comes over the radio right in front of the station. We all pour out and see this VW with a guy shooting at us. I fired mostly cause everyone else was. I'm not sure if I hit anything.

Other final frames tend to involve far more deliberate actions.

One officer describes what he called a premeditated warning shot:

Well, I arrest this guy and leave him in the back of the car. All of a sudden he starts running while I'm talking to another

guy with his cuffs on and all. I don't want to kill him but I'm not gonna let him get away so I take dead aim at his head I'm a pretty good shot--all 99's at the range (out of 100), then I move my target about six inches to the left and fire. That stopped him, sure enough.

Some officers indicate that they either attempt to miss narrowly their opponents. One officer indicated, for example, "that I was aiming at the guy's legs. I had to stop him, but I didn't want to kill him." Another similarly replied, "that I know they don't like you to do this, but ever since I killed that guy in '69, I have aimed at people's legs whenever possible." Another officer described aiming a shot "between the legs" of a man armed waving a machete explaining that he "had to pretend to miss because the department don't like warning shots."

In many incidents, an officer will define a "bottom line" which will determine for him whether or not he will shoot. One officer, for example, described an incident where he almost shot a "black Mr. Clean" who had assaulted his partner:

Well, he is on J. and I am behind. I start tugging at him and J. says, "C. he's going for my gun, he's going for my gun." I really feel helpless because this guy has obviously been lifting weights for dozens of years. I pull again and can't move him. I say to myself one more tug and if I can't get him, then I plug the motherfucker right in the fucking ear. Luckily he comes off and we cuff him.

Another officer described an encounter with an older man with a pistol who had already fired at his nephew. Here he indicates how his assessment of the capacities of the opponent determined for him the point at which he would have to use deadly force:

Well he's standing there, yelling and cussing and all kinds of shit. But I see he's an old man and I feel (I may have been wrong) that he couldn't hit anyone with that rifle. Even though he pointed at me or near me I felt I could have waited and come home alive.

An officer with several shootings in roughly ten years described his analysis of final frame decisions this way:

It's like you have to calibrate the situation. If a guy turns towards me with a weapon he's gone. I've been in Vietnam and I've seen what a bullet can do.

Other officers have quite different decision points. For another:

It comes down to this. I will only shoot if I can be almost certain that if I didn't, my life or someone else's would be in jeopardy. When you are going to die, that's it... You are going to die. To be honest, I will put myself in risk with this type of philosophy, but this is the way I am.

At times final frame decisions seem as much determined by other factors as the threat posed by the opponent. A common factor in incidents where a decision is made not to shoot, for example, is the risk to other officers. One officer described how, during a running gun battle, he was about to shoot when:

This guy is coming right by me maybe 60 feet away, I yell out, "Halt or I'll shoot." Level my gun and then see a head appear. It's a police officer. I put my gun down...

Risk to citizens is also critically important; one officer described, "There was this Puerto Rican guy who shot at Paul and me. We couldn't

shoot back because there was this three-year old kid in the room." Another officer involved in a drug raid says, "We were in this guy's apartment, and he goes for a drawer, but his mother and girlfriend are in the room, so I hold up."

Other decisions to shoot or not shoot seem more a function of momentum than a conscious decision. "I'm chasing this guy and we go around a corner and he's there standing looking confused with the gun out. To be honest, I just ran into him. I never even thought of shooting." Another officer described a situation where he fired his gun more to uncock weapon than anything else: "Well, I was in this bar and this drunk comes over, grabs me, and says, "Who you calling boy?" I grab my gun and by mistake cock it (as it turns out). I get control of the guy and realize that my big problem will be killing the guy or me by mistake. Finally, I got the gun free and let a shot go into the ground, just so I wouldn't kill either him or me."

It is important to note that even in the officer's own mind, some final frame decisions defy comprehension. Moreover, an officer who either shoots or refrains from shooting will have limited recall of the precise circumstances which existed at the instant in which he fired. Similarly, officers will often fail to recall in the adrenalin charged moment of the confrontation the precise number of shots fired, at whom they were aimed, or even the number of opponents he confronted.

It also might be observed that in some confrontations one finds decisions against shooting are reconsidered when additional information comes forth. Such confrontations are sufficiently complex to allow several points when the officer must decide whether or not to shoot.

Finally, contrary to widespread public opinion, the decision to shoot is not an easy or light one for officers. As one officer said, "It's a human life held in the balance by a pound of pressure placed on the trigger of a .38." Another man said, "No one can tell you when to take a human life, not the sergeant, not the I.A., not the law." It is important in this respect to observe in that some officers may have "inner guidelines" which are quite different from the department's or their superiors. One officer, for example, commented "that around here they say you can shoot at a fleeing felon. But I'm not gonna kill some kid with a T.V. set." Another man similarly and powerfully observed: "When it comes down to that last moment, it's only between you and God that tells you when to shoot."

5. The Aftermath: A Strangely Continuing Relationship

One of the interesting (and unrecongized) aspects of police use of deadly force is the aftermath of a police shooting episode.

As stated above, often (in both fatal and nonfatal) shootings there is an odd continuation of the "relationship" established during the episode. One officer involved in a fatal shooting described how he tried to get his fallen opponent to "wake up:"

We went into an alley and I let go a few. I didn't even know if I hit him. Soon I see him sitting there. He looks at me and falls over. I see blood under his jacket. I start doing mouth to mouth resuscitation, yelling at him to get up, to talk. He was dead.

Other post-shooting relationships are considerably less cordial. One officer who became involved in a physical fight with a group of

Hispanic males, ending in the shooting of one opponent in the leg, described the aftermath of his encounter as follows:

Well he is lying there moaning and I call for an ambulance. I go over to cover him and tourniquet him and he grabs me and starts punching me. When we get to the hospital the bastard keeps trying to get up and says he's gonna kill me...

A narcotics detective described the following aftermath of a shooting during a narcotics raid as follows:

Well, this guy goes down with four shots in him. We think he is dead. As soon as he hears the ambulance roll up he starts moaning. He thought we would kill him if we were alone. Anyway even though he takes a shot at us, he has a good lawyer and gets 18 months county time. Three of them he does and gets the rest suspended. He's out of the hospital, walking around, eating Gino's pizza six weeks later. Now he rides by in his LTD and waves. It's like a joke to him.

After an averted shooting, the officer and opponent may discuss what might have happened. Following the arrest of a young boy with a loaded .32 in a dice game, the young man says to the officers:

I was thinking of going for it, but there was three of you and that's too many. Two of you and I think I might have tried it. A year in jail for a weapon is a long time.

In a few aftermaths there develops a strange bond between the police officer and his former opponent (and at times the opponent's family). A young black patrolman recalled that "this guy I shot in

the groin (but didn't kill) would stop my "black and white" and tell his friends, 'that's the man who could have killed me but didn't.'" One officer involved in an encounter which saw a store owner killed by a group of tactical team officers (one of whom was shot also in error by the dead man who thought he was being robbed and fired) triggered this comment at the hospital:

It was very strange. There was G. lying in one bed shot in the throat and there was T. (the storeowner) in the other bed. The families just mingled together. G.'s wife went to T.'s bed and held his wife. You would have all thought they were in the same family.

The aftermath of the shooting may see powerful emotions exhibited among partners. One officer remarked that after he and his partner killed a shotgun-wielding escaped murderer (in an incident described earlier):

We just sat there hugging each other glad to be alive.

I just thought about my wife. It was her birthday and said I was glad to be here and hugged my partner. We looked weird but we didn't care.

Another officer shared a memory of an incident in which he was hit five times by a man who was later killed:

I'll never forget it. Tony just held my hand in the car driving to the hospital. You're gonna make it; you're gonna make it, just like that. I went into a coma for three weeks. Tony never left the hospital. When I got out we lost touch sort of but its something we'll always share.

Less positive emotions are also released. One officer, commented that his partner who showed great cowardice in a particular incident

attempted to approach him after the incident saying, "We did a good job." The other officer commented:

That's the last time I talked to him. I walked to the sergeant and said I won't work with that SOB. He was transferred the next day.

Another officer described a scene where his partner and he were surrounded by an angry mob which gathered after a fatal shooting and his partner began to "lose control."

The guy went down and just began to bleed through his mouth. We called for backup and handcuffed him. A crowd gathered so we drew our guns. They knew he was a pusher and started going through his pockets (believe it or not). I really thought we were going to get it. The backup went to the wrong address. My partner started to lose it. I started ordering him. Like "Unhandcuff, him." "Show your gun!" "Look calm", stuff like that. We made it but I can't say it helped our working relationship.

Severe trauma marks the aftermath of some (but certainly not all) shooting incidents. One officer said, "I broke out in hives thinking about it, that I almost lost my career, that I might go to jail, that I almost killed a guy. I was sick." Another officer noted that, "the morning after it was over I just went walking around and kept going back to the spot where it happened. I couldn't get it out of my mind." One lieutenant in charge of a program to help other officers cope with the stress of a shooting said, "There are lots of surprises: like it may come up weeks or even months after it's over, just when you think the guy is O.K. Also it may hit the backup officer and not the guy who

actually shot. Like we had a case where this guy shot a guy who was running at him with two broken Coke bottles. The guy who shot was fine. His sergeant who was in the alley calling for assistance fell apart screaming, 'Why did it happen, he was so young...' He felt responsible because he left the younger man alone for a minute when it happened."

The end point of the aftermath phase is difficult to define. Some officers report dreaming of the men they shot years after the incident. Legal proceedings may continue for officer and opponent, again several years after the incident itself is terminated. It also should be noted that in a certain sense the aftermath is not a phase in the same sense as the earlier four phases. But it is convenient to designate it as such for expository reasons so that its importance in the overall process is highlighted.

Conclusions

In this chapter, we have outlined a heuristic scheme for analyzing police decision-making in armed confrontations. The model we have described should serve a useful starting point for generating theory aimed at linking "early" tactical decisions to the outcome of an armed confrontation. Reiss (1980) and Binder and Scharf (1980) have suggested that many armed confrontations are avertable only at decision points well before the instant when the officer faces an immediate life or death decision: whether to shoot or not shoot.

The approach we describe here to the analysis of armed confrontations has a number of policy implications. One important implication stems from the assumption of the dual responsibility of police officers and citizens in producing violent encounters. While continued stress should unquestionably be placed upon the police in attempts to reduce

the inappropriate use of deadly force, the perspective here raises the potentiality of altering citizen behavior in the effort at such reduction. A community education program informing citizens about police expectations and about typical police responses to citizen threats is an example of an intervention focusing on the way that citizens might communicate with police officers to avoid violent confrontations. Another policy implication lies in the area of police decision making. Most attempts to reduce deadly force have focused upon the final decision to use or not to use deadly force. The model of a sequential process in a transaction suggests that interventions to control deadly force might be effectively aimed at an officer's decision well prior to the final-frame. One example of such an early phase intervention is found in the implementation of an administrative operational rule requiring police officers to call for specialized backup support upon confronting an armed, but not immediately threatening, opponent.

A final policy implication lies in the importance of understanding all components in the transaction faced by the officer in the process of assessing performance and recommending administrative change. Too often, after-the-fact evaluations and, perhaps, policy decisions are based upon superficial aspects of the encounter or upon data available only after the decision to use physical force has been made. Thus, an officer may shoot and kill a burglar emerging from a house when the burglar reaches into his clothing, removes a shiny object, and turns rapidly toward the officer. It may later be determined that the shiny object was a cigarette lighter. Nonetheless, the decision might have been entirely reasonable at the time and in the transactional context that it was made. It also follows that reconstruction of a decision to use physical force without full realization of the

perspective of the officer at decision-making time is also frequently responsible for negative, even violent, community reactions.

In Chapter Six, we will continue our analysis of officer decision-making, focusing upon officer characteristics related to the repeated use or restraint in the using of deadly force. We will focus upon the psychological capacities which are most critical in effectively coping with armed confrontations: the ability to control fear, perceive reality objectively, employ interpersonal and physical skills, and make responsible moral judgments regarding the decision to use deadly force in an armed confrontation.

CHAPTER SIX

THE PROBLEM WITH POLICE OFFICERS IS THAT

THEY ARE HUMANS LIKE THE REST OF US:

Critical Comptencies in the use of deadly force.

Portrait of two "shooters"

Officer Jethro Hastings (a pseudonym) has shot 14 people in his ten years on a Northeast city police force. Five of these people have died. Four have been seriously wounded, two crippled for life. Officer Hastings feels he was justified in every one of these shootings. "The criminal provides the provocation. They create the circumstances. They create their own problem, the thing that brings it about." In discussing his shooting incidents he demonstrates almost a photographic memory. "We were on a stake-out detail in the northside, when I saw him. I walked by as if to pass him. He turns around and goes to his pocket. I draw out first. As he is dying in the ambulance, he apologizes for having drawn on me."

Officer Hastings is a much decorated officer. He is respected in the community and of all the black officers in the department, he is perhaps the most liberal in political outlook; he is considered radical by some. Officer Hastings explains that, "The police officer is a cog in the capitalist system. Dealing with the casualties of the economic system is our job." Not incidently, Hastings served as a gunner in an airplane in Vietnam. He described in an animated voice what it felt like to be in combat: "40MM's would come out up through the floor. Once I flew 59 "K's" [Kilometers] through a gook jungle. The plane looked like some green swiss cheese when we got back... sometimes when you'd go through the jungle... you'd see black pajamas with holes in them. That meant you did your job..."

Since becoming a police officer Hastings has gained a reputation as perhaps X city's most aggressive and perhaps courageous cop. He has been on tactical, detective, narcotics units and other specialized

squads and details. Other officers speak of him in almost reverent terms: "You should see Hastings in a street situation. He is as cool as a cucumber. Everyone else is shaking, pissing or shiting. Not Hastings. He's cool, like he was strolling in a shopping mall." In every year but one, during the past ten, he has shot at a human being. In four years he has shot at two persons; in one year three. Hastings loves his work. He rarely calls in sick and has few disciplinary infractions. He also has never in all 14 years "been brought up dirty" on a shooting. Hastings says, "they're all justifiable. All brought on by the circumstances that the person brought on himself..."

In another city, Officer Samuel L. Jones (another pseudonym) has, in only five years as a police officer, shot seven times, hitting five persons and killing three. Officer Jones is a large, red-haired man and talks incessantly about leaving his job. "I think about leaving lots of times" he says nervously, twitching. "Where can I get twenty-thousand dollars a year with a high school degree. Get me a twenty-thousand dollar job, and I'm gone." Officer Jones expresses a certain degree of hatred for the criminals he meets on the street. "You should see them. Fucking Nigger Assholes. Fucking Nigger Assholes. You should ship them all out of here, back to Africa. The last guy I had to shoot; he comes at me with a broken "Miller beer wino" bottle. I wished he had fucking died. The fucking jungle bunny was eating Big Macs three months after I shot the dirty mother-fucker."

Officer Jones had had numerous "problems" with his local internal affairs unit, not only for his shootings but for other matters. Once he "talked back" at roll call to his sergeant. Twice he was caught in a "Country bar, " while on duty. Seven other times he was cited for such

infractions as slovenly appearance, insulting a superior officer, and failure to follow proper arrest procedure. Specific citations refer to "unnecessary force", insulting a citizen and accidental weapons discharge. "Frankly, " says his sergeant ["This of course won't be repeated"] Jones is an embarrassment to us. If it weren't for the Police Association making it impossible to fire anyone who isn't an out and out criminal, Jones would be long gone."

Jones has never been in the military and worked as a laborer for eight years before he became a police officer at age thirty. He resents the "college mother fuckers" who run the department and never faced "down a nigger in an alley." He hopes he gets injured badly soon, so that he can retire from the department and go "worm farming." He also expresses few regrets about the people he has shot. "A few less miserable cocksuckers. Just saving the courts a little paper and time..."

"You don't have to kill them:" Two non-Shooters

George Sullivan (a pseudonym) is perhaps the most decorated police officer on a large inner city department. He has made approximately 6000 felony arrests during his 13 years, or 500 per year or two per working shift. On some days, George has arrested more than ten people for crimes ranging from dealing narcotics to murder. George is described by his commander as "having no hobbies, but police work. He eats sleeps, drinks, thinks about police work." When an article appeared in a national magazine including the ten best police officers in America, George was enraged that his name was not included. "What the fuck," exclaimed George, "some mother-fucker starts a boy scout camp. What the fuck has that got to do with real police work?"

George, by his own count, has stripped more than 500 guns and roughly 1000 knives, beer bottles, clubs etc. from the citizens he encounters in his work. He has only shot once. That shooting (in the 13 years) was after he was assaulted by a drug addict, armed with a "2 by 4," from the rear. He sincerely wishes that the guy had died, spoiling his record like that. Most times George uses cunning rather than his gun to disarm persons: He describes one incident as follows:

Well I was in this bar and this guy has a gun. I walk in just like this, real slow, and have my Kelolite [Six-cell flashlight] out. I say in a loud voice. "Put that fucking gun down or I'll break your thumbs". He just drops it, just like that.

Other times, speed and cunning work to disarm a dangerous criminal.

You control them, or they control you. You gotta get them up on the wall before start thinking about things. Also, in this town you gotta get them in the car before a crowd of their friends show up. That's where a lot of shootings take place. Also, watch their hands and eyes, hands and eyes, that's where a lot of shootings go wrong. When I go into a crowd I just watch their hands and eyes, hands and eyes. Never take your eyes off their hands or their eyes. Also never shoot at a fleeing felon, its dangerous to run with your gun. It might go off.

George recently was made a detective. In less than a week he had alienated the entire detective division for his criticizing their productivity. "Lazy bastards. They would rather go to the dentist than

arrest people." George is rather proud that he has accomplished so many arrests with so few resorts to his gun. "I have no qualms killing some street asshole who is threatening my life, but short of that, there are other ways to get them in..."

Dan Dorsett (again a pseudonym), in a different police department, has never fired a shot in 31 years. Dan has (as had George Sullivan) been on every "crazy detail" that existed for the past "umpteen years;" tactical squad, narco bureau, central city patrol. His Precinct Captain describes Dorsett as a "cop's cop": tough, honest, courageous. "Dorsett is modest so he just doesn't show his medals, but he's got them" The Captain adds he also observed that he shoots straight '99's [out of 100] on the range. If Dan misses the center of the target he feels depressed for a month."

Officer Dorsett feels that his military experience makes him less likely to shoot.

I saw a lot of that shooting stuff over there. I served in Patton's third army going towards Bastogne. If you wanted to see shooting and dead people, you had it then. I don't feel I have to shoot most people I face. If you are confident you can face them down on the street. There may be a time when I'd have to, but lets just say I never faced it in 31 years on the street. Like one time I saw this guy running from another cop on Main Street; I drive down and all of a sudden I see him point a .25 at me. I jumped out of the car and took him down. Don't ask me why I don't shoot. I just didn't feel it was necessary.

Officer Dorsett would much rather talk about his seven children, five of whom are pursuing advanced degrees, than police shootings, but a modest opinion about what makes a police officer shoot or not shoot in a split second decision:

Part of it is luck. The rest can be explained by two things: the ability to be able to control your fear in a crisis situation when any normal man would be scared out of his mind. Another thing is the skill in handling your weapon, but more important is people.

Thus, Dan thinks that beyond luck there are two things that decide what will be the outcome of a particular confrontation: confidence and competence. "That's the two things. If you are competent with your hands and gun, and confident in your ability to use them, you will do okay on the streets. Problem is many guys don't know how to use their gun and get afraid when they think they might have to use it..."

Critical Competencies In Coping With Armed Confrontations

What is it that makes an officer become involved in many shootings, as in the cases of Officers Hastings and Jones; and why do others avoid shooting people, like Officers Sullivan and Dorsett? What competencies seem to be critical for an officer effectively to cope with large numbers of armed confrontations without using deadly force? A response to this query will be attempted in the rest of this chapter. Clearly, part of the differences among the officers may be explained by the number of confrontations faced by each officer: the number of confrontations in which the officer could have used deadly force. It might be suggested,

as a start, that an officers' propensity to use deadly force might be evaluated by a ratio analogous to the batting average concept used in baseball. Just as a batter who gets 100 hits in 300 at bats (or hits at a .333 average) is considered to be a better hitter than a player who gets only 75 hits in as many at bats (he hits at only a .250 average), so too, we must use a baseline to balance for number of opportunities; that is, we must relate the number of times he actually fires to the number of armed confrontations he has encountered. Thus, for example, an officer who has experienced many armed confrontations (e.g. 100 armed confrontations) and only fires three times may have a lower shooting rate than does an officer who fires only twice, but faces far fewer confrontations (e.g. ten armed confrontations).

To illustrate this conception of "shooting ratio" we offer in Table 1, three hypothetical officers each with different shooting ratios:

$\frac{\text{(shots fired)}}{\text{(armed confrontations)}}$. As the reader will observe, officers differ both in terms of the times fired at citizens and in the number of armed confrontations faced: the first officer fires at a .03 rate (3/100); a second officer fires at a .20 rate (or 2/10); and a third officer fires at a .33 rate (or 1/3).

Table 1

Hypothetical Shooting ratios of Three Officers

Shooting Average = $\frac{\text{number of shots fired}}{\text{number of armed confrontations}}$

- Officer A: Shoots 3 times in 100 armed confrontations, or a .03 shooting rate.
- Officer B: Shoots 2 times in 10 armed confrontations, or a .20 shooting rate.
- Officer C: Shoots 1 time in 3 armed confrontations, or a .33 shooting rate.

These examples make it clear that judging an officer's propensity to shoot must be done not only in terms of the numerator (shots fired), but in terms of the denominator (number of armed confrontations) as well. There is a major problem in operationalizing this ratio.

The denominator for a particular officer is very difficult to determine. There are simply no systematic records of armed confrontations. The number of times an opponent is faced with a weapon, or, more meaningfully, the number of times an officer believes an opponent might have a weapon is, in effect, unknown.

But even if the figures for the denominators were available, the obtained ratios would not provide the full answer.

As we observed in Chapter Five, early actions and decisions by the police officer (e.g. the way he interprets information, engages the opponent and communicates information to him) may increase or decrease the number of armed confrontations the officer faces. For example, an officer who frequently stops his car while off duty to check out suspicious persons in his neighborhood will almost inevitably have a higher armed confrontation rate than will an officer who remains oblivious to all but the most blatant criminal activities seen in off-duty circumstances. An important difficulty, then, in the officer shooting ratio construct is that the denominator is a function of the activity-level of the officer. It will be large for an aggressive officer and small for an officer who avoids dangerous situations except when there is no other choice.

Incidentally, it should be noted that various indirect procedures have been used to estimate contact or hazard rates. For example, Sherman (1980), Fyfe (1980), Meyer (1980), and Harding and Fahey (1973) have

used such indices as "Part I" offenses, felony arrests, and murder rates to serve as indicators of hazard or contact. These are, of course all encompassing statistics that may conceal important differences in actual hazard. A particular officer, for example, might confront more criminals determined to shoot their way to freedom though his felony arrest rate is identical to that of another officer. And the quality and implications of Part I offenses, felony arrests, and so forth vary considerably over cities and even precincts within a city.

While, as we have just observed, it is difficult to ascertain an officer's (or department's) precise armed confrontation rate, it appears, that when estimates of armed confrontations are accounted for, wide differences in officer shooting rates exist. Officer Jones, for example, may have encountered 20 armed confrontations and fired in seven of them. Officers Sullivan and Dorsett, apparently, have both encountered at least several hundred armed confrontations and have only one shot between them. How, we might ask, do we explain these differences in the individual propensity to shoot? What competencies do the non-shooting officers possess that make them able to cope effectively with numerous and possibly extremely difficult and dangerous armed confrontations, and rarely fire.

To explore these issues we will look at four psychological dimensions related to the police officer's use of deadly force: the control of human emotions; the discrimination of real and apparent events in shooting confrontations; interpersonal, physical, and weapons skills; and finally, moral judgements regarding the decision to shoot.

We will hypothesize and demonstrate (but not prove) the following relationships:

- (1) That officers with poor emotional control, inability accurately to perceive events in rapidly occurring encounters, poor skills and primitive moral judgements will be more likely to shoot than will other officers (of course, controlling for contact rates).
- (2) That the above capacities may bear upon decision making both in early phases of the encounter (See Chapter Four) and in the "final frame."
- (3) That these competencies may be said to interact in that a deficiency in one area may make other competencies more difficult to implement: e.g., a frightened officer may be unlikely to use his demonstrated interpersonal skills in a terror inducing encounter.
- (4) That the ability to cope with an armed confrontation requires a high level of skill in each of these four areas; and that training and experience might plausibly increase these competencies, thus making inappropriate uses of deadly force less likely.

Human Emotions and the Decision to Use Deadly Force

Human emotions reflect a central psychological dimension related to police use of deadly force. In a single encounter, an officer may feel terror, fear, sympathy, shame, and horror. It would seem clear that the ability to monitor appropriately such emotions may bear heavily upon the final outcome of the episode.

Sympathy or abhorance felt towards the opponent may be an important factor in determining how long an officer would "wait out" a particular ambiguous (i.e., not immediately or certainly life threatening) provocation.

One officer, for example, described an encounter with a knife-wielding, insane man as follows:

When I go to this 5-50 [mentally disturbed person call] I meet this woman who tells me her son is crazy and is from Central State Hospital and begs me not to hurt him. I must have backed off three full city blocks trying not to hurt that lady more than she's been hurt.

Another officer described a situation where he was faced with a report that a man had a loaded shotgun under a beach towel:

A citizen tells us there's this guy over here with a shotgun. We go to check it out and there's this older Hispanic man with what looks like a gun under this machete. D. and I yell 'put it down, put it down', but he's real drunk. He doesn't understand. Finally we take the towel off and see it's a machete he's keeping for self-protection. I think it was his eyes. He didn't look like a bad guy. I kind of liked him; I think if he acted a bit different, who knows?

In other episodes a lack of empathy may influence, if not actually determine, the officer's decision to shoot:

There was this "B and E" in an old woman's house. This addict took this old lady's sewing machine that she used to make clothes with for the people in the neighborhood. It was like a piece of her was stolen by the guy. I was so mad. When we finally found him, and he died, I was thinking more about that lady and less about him. After it was over the lady didn't want to know about the guy (even though there was an ambulance),

but rather just grabbed her sewing machine and hugged it like a child.

Obviously, a particularly important emotion is the fear associated with an armed confrontation. Officers who have been involved in deadly force situations frequently describe them afterwards as "hair raising", "spooky", "terrorizing", or "insane"; they portray their own reactions as ranging from "sheer terror" to a "calm panic". These emotions of an armed confrontation obviously make deliberate decision-making difficult. One officer noted that he almost went into shock believing that "this was it, I might really die". Some officers will even show extreme physical reactions to the emotional stress of the shooting situation. A young black officer, for example, described to us his response in a situation where he "came within a hair" of killing a paraplegic man armed with a loaded shotgun:

It all started when _____ and I had gone Code 7 [stopped for dinner]. A guy came from out of the chicken place and said "there is a guy in the back of the parking lot." I went through the restaurant while _____ went around the side. I see this guy in a wheelchair with a shotgun. I pulled my revolver out of my holster, not sure what to think. My heart is pounding, "Can I kill a cripple?" I tell the guy to drop his gun. He doesn't do anything but slowly turns towards me... Finally he dropped his gun. He was a little snookered, but wasn't going to kill nobody. When I sat down to eat I had to put a napkin over my pants to cover the urine. It was fear!

Rubinstein (1973), quoted an officer involved in his first shooting as saying "these two guys involved in a holdup shot at me. I pulled my gun but my arm was shaking so bad, I couldn't hold it steady."

An alternative emotional response to an armed confrontation may be unrealistic detachment. A female officer, who froze when a man pulled a gun at her, said that "it was like time was standing still. It wasn't real." This type of response to a shooting episode closely approximates a symptom often found in reaction to military combat or civilian catastrophe. In this component of what is called a "traumatic reaction," the person's emotions become detached from what is immediately happening to him. The person becomes unreasonably "objective". Events seem to be objectively observed, as if by another person. One officer, for example, faced with a shotgun wielding, escaped murderer described his experience as follows: "I thought about my wife who was sick at the time. It was like the seconds were hours." Another officer similarly said: When I heard a voice behind me say 'Eat it cop' and heard the shot it was like I was in the movies. I didn't believe it was real until I somehow jumped through a window and started shooting."

As we observed in Chapter Four, early events in the encounter may influence the emotions of both the officer and the citizen. Toch (1976), Westley (1970), and Muir (1977) have suggested that some potentially violent police transactions with civilians "escalate" in affective pitch, mutual hostility, and danger. They imply that such violence-inducing transactions are perhaps most common in social situations where the civilian may be psychologically constructed as "the enemy": this is, of course, common in police-citizen transactions in racially polarized and economically divided communities. Toch (1976) suggests that at

least some armed confrontations begin with either a non-verbal or verbal evocative communication, which gradually leads to open hostility and possibly the death or injury to either the citizen or the police officer. Such transactions, according to this perspective, create in the officer a psychological state wherein he is increasingly angered, frightened, threatened, terrorized, and humiliated. To these cumulatively debilitating emotions, it seems, some individuals will find violence a tempting release.

Certain types of confrontation are viewed by police officers as possessing a high risk of emotional escalation. One police officer shared with us his reaction to a "near shooting" at a Hispanic wedding celebration:

I was called to this Chicano wedding... (things always start there). All of a sudden, after we told them to shut up... this heavy asshole comes over, pours wine on me and calls me a mother-fucking "cuerpo" [pig]. I pull out my gun and say to myself, if these cocksuckers don't back off, I'm taking some of them with me. Luckily the backup team got there just as I'm getting agitated.

Hatred in itself is often a key emotion in armed confrontations. While few officers will actually kill out of pure anger, often there is a point where the angry, sometimes brutal, side of human nature may be revealed in even the seemingly most mild mannered of police officers Rubinstein (1973) suggests:

Very few policemen use physical force gratuitously. A man will cajole, joke, advise, threaten, and counsel rather than

hit, but once his authority is questioned he is prepared to respond with whatever force is necessary... The policeman who says, 'If some bastard hurts me, I'm not just gonna win, I'm gonna get even, and he's gonna know that I hurt,' is expressing a thought that violates the law, but one that cannot be eliminated because the law allows policemen to treat alleged criminals differently from people who are not criminals...

Such feelings of hatred are usually directed at criminals who threaten either the officer or his partner. After capturing three teen-aged black males who had robbed a 50-year old woman and then pointed a gun at an officer, an older black officer told them in no uncertain terms; "what I hate most of all is wise-ass niggers who don't respect life and law and property. I want to do you little mother-fuckers in." Another officer, after just wounding a man who had shot at him, indignantly told the lieutenant investigating the incident, "What do you expect me to do. The mother-fucker shot at me. The mother-fucking, cock-sucking bastard shot at me!"

The hatred a police officer may feel towards individuals who are perceived as threats to his life is no small consideration in a psychological understanding of police uses of deadly force. The charged emotions of any potential shooting confrontation can lead to actions and responses which, while not rational, are readily understandable responses to the provocation. Wambaugh, in his New Centurians, describes an episode in which a young Chicano officer, Serge Duran, has his life threatened by a juvenile gang member:

"They're bailing out!" Milton shouted and Serge looked up to see the Chevrolet skidding to a stop in the middle of Soto Street as all four doors were flung open.

"The one in the right rear fired the shot. Get him!" Milton yelled as Serge was running in the street before the radio car finished the jolting sliding stop.

Several passing cars slammed on brakes as Serge chased the Rojo in the brown hat and yellow Pendleton shirt down Soto and east on Wabash. Serge was utterly unaware that he had run two blocks at top speed when suddenly the air scorched his lungs and his legs turned weak, but they were still running through the darkness. He had lost his baton and his hat, and the flashlight fluttering in his swinging left hand lighted nothing but empty sidewalk in front of him. Then his man was gone. Serge stopped and scanned the street frantically. The street was quiet and badly lit. He heard nothing but his outraged thudding heart and the sawing breaths that frightened him. He heard a barking dog close to his left, and another, and a crash in the rear yard of a rundown yellow frame house behind him. He turned off the flashlight, picked a yard farther west and crept between two houses. When he reached the rear of the house he stopped, listened, and crouched down. The first dog, two doors away, had stopped barking, but the other in the next yard was snarling and yelping as though he was bumping against a taut chain. The lights were going on and Serge waited. He jerked his gun out as the figure appeared from the yard gracefully with a light leap over the wooden

fence. He was there in the driveway silhouetted against the whitewashed background of the two-car garage like the paper man on the pistol range, and Serge was struck with the thought that he was no doubt a juvenile and should not be shot under any circumstances but defense of your life. Yet he decided quite calmly that this Rojo was not getting another shot at Serge Duran, and he cocked the gun which did not startle the dark figure who was in the intense beam of the five-cell. Serge had already taken up the slack of the fleshy padding of the right index finger and this Rojo would never know that only a microscopic layer of human flesh over unyielding finger bone kept the hammer from falling as Serge exerted perhaps a pound of pull on the trigger of the cocked revolver which was pointed at the stomach of the boy.

"Freeze," Serge breathed, watching the hands of the boy and deciding that if they moved, if they move at all...

"Don't! Don't," said the boy, who stared at the beam, but stood motionless, one foot turned to the side, as in a clumsy stop-action camera shot. "Oh, don't," he said and Serge realized he was creeping forward in a duck walk, the gun extended in front of him. He also realized how much pressure he was exerting on the trigger and he always wondered why the hammer had not fallen.

"Just move," Serge whispered, as he circled the quivering boy and moved in behind him, the flashlight

under his arm as he patted the Rojo down for the gun that had made the orange flash.

"I don't got a weapon," said the boy.

"Shut your mouth," said Serge, teeth clenched, and as he found no gun his stomach began to loosen a bit and breathing evened. Serge handcuffed the boy carefully behind his back, tightening the iron until the boy winced. He uncocked and holstered the gun and his hand shook so badly that for a second he almost considered holstering the gun still cocked because he was afraid the hammer might slip while he uncocked it.

"Let's go," he said, finally, shoving the boy ahead of him. When they got to the front street, Serge saw several people on the porches, and two police cars were driving slowly from opposite directions, spotlights flashing, undoubtedly looking for him. Serge shoved the boy into the street and when the beam of the first spotlight hit them the radio car accelerated and jerked to a stop in front of them..

Ruben Gansalvez was the passenger officer, and he ran around the car throwing open the door on the near side.

"This the one who fired at you?" he asked.

"You prove it, puto," the boy said, grinning now in the presence of the other officers and the three or four onlookers who were standing on porches, as dogs for

three blocks howled and barked at the siren of the help car which had raced code three to their aid.

Serge grasped the boy by the neck, bent his head and shoved him in the back seat, crawling in beside him and forcing him to the right side of the car.

"Tough now that you got your friends, ain't you, pinchi jura," said the boy and Serge tightened the iron again until the boy sobbed, "You dirty motherfucking cop."

"Shut your mouth," said Serge.

"Chinga tu madre," said the boy.

"I should have killed you."

"Tu madre."

And then Serge realized he was squeezing the hard rubber grips of the Smith & Wesson. He was pressing the trigger guard and he remembered the way he felt when he had the boy in his sights, the black shadow who had almost ended him at age twenty-four when his entire life was in front of him . . .

The passage suggests some of the powerful (and ugly) emotions which may be vented at a suspect during a violent encounter. It also indicates how a particular type of suspect might produce an especially powerful response on the part of the police officer. Rubinstein (1973), similarly, describes an incident where an officer was disarmed by a man who shot at him, although he later was able to wrestle the suspect to the ground. "We were rolling around, you know, and he still had the gun and I was holding on to

his gun so he couldn't shoot me. I was biting him on the face and kicking, my mouth was filling up with his blood and he was screaming. . . When he gave up, I just stood there holding my gun and I really wanted to kill him. I did, but I just couldn't shoot. I smashed him with the butt..."

Such responses by police officers might be exacerbated by events which occurred immediately preceding the armed confrontation. A fight with one's wife, a drunk throwing up on one's shirt, financial problems, or other tensions might create a climate of temporary "emotional risk" for the officer. One California officer, for example, who had recently buried his mother, angrily pummeled a citizen who, during a liquor store dispute, called him a "mother-fucker". Also, a long shift of heated confrontations may find an entire squad, precinct, or even department with nerves badly frayed.

Specific preludes to a potential shooting episode may increase the likelihood of a heated emotional response by the officer. "High speed chases" are infamous among police officers in this respect. Often a chase will last for many minutes and miles, posing great risk to the officers as well as citizens; simply following a speeding car for several miles can be unnerving in itself. A sergeant described the aftermath of one chase as follows.

Well, we was following this guy through at least six towns... up into LA County, down again into Orange County. We had three cars from our PD involved, and two from _____. Anyway, finally this kid crashes into a big RV on the street after they had gone more than twenty

miles. I get to the scene and I see the officers roughin' him up, you know, smacking him with nightsticks, hitting his ribs. I decided to let them get it out. If I tried to stop them, next time they might kill the guy before I get there.

"Calls" just prior to an armed confrontation might seriously affect an officer's attitude and emotional state during the confrontation itself. For example, one officer who had witnessed a brutal beating of a family just moments before being dispatched to a "shots fired" call involving the same suspects, and the call resulted in a fatality. Often a "crazy job" in which an officer must respond to a "man with a gun", "an armed robbery", "a DOA", or "shots fired" calls may seriously affect his emotional equilibrium in a subsequent armed confrontation. Supervisors say that the last two hours of a difficult shift may find men in an extremely vulnerable psychological state. One sergeant in a high crime urban police department commented:

I don't know how to put it, but by midnight on Saturday night, I've got a bunch of lunatics out there. They tell the dispatchers to go fuck themselves if they don't like the job. They are hungry, are thinking about getting laid in a few hours, and really don't give a fuck about anything. If we don't have enough supervisors out there (and that's usually the case) watch out. . .

Therefore, the role of emotions in a heated armed confrontation is an important factor to consider in some shooting decisions by police officers. This factor is ignored in many discussions of

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police use of deadly force. Just as it is misleading to pretend that warfare is conducted by soldiers dutifully and stoically facing death (and rationally deciding to kill the enemy), so too is it misleading to fail to understand that the police officer, as a human being, may be terrified in a potential shooting confrontation. Common responses to this terror might be anger, hatred, and a desire to humiliate the opponent. (Alternatively, as discussed earlier, some officers may show greater compassion or empathy for some opponents as opposed to others.) On occasion, bizarre (and sometimes tragic) outcomes are explained on the basis of the intense emotions. In an event related earlier, an off-duty officer mistakenly shot and killed his wife who was being fondled by a robber/molester; in another encounter an excited officer shot his own windshield, which he neglected to notice, was in the line of fire in a car-to-car shooting exchange. Such "errors" would be less likely were not the emotional demands of armed confrontations so extreme, or the officers involved under better control in the most extreme of human encounters.

Distinguishing Appearance From Reality in Armed Confrontations

A related psychological factor is the factual ambiguity implicit in armed confrontations and the officer's ability to define objective reality in a heated and rapidly occurring confrontation. In rapidly evolving shooting incidents, what is believed true may not appear later in fact to be true. Many errors in the use of deadly force may be related to the inability accurately to define

the facts of the shooting encounter. The majority of shooting situations occur at night (Fyfe, 1977; Milton, et al., 1977; Kobler, 1975) under conditions in which it is very difficult to distinguish appearances from reality. One suburban patrolman, for example, described to us the following episode:

A guy and a woman robbed a _____ store in _____ town. An officer told the guy to stop, and the guy told the gal to get along; so we chased them up the freeway. I followed the pursuit. The pursuit got off the freeway. They went right in front of me! I heard on the radio "245b-- _____"--this officer. This means assault with a deadly weapon on an officer. Everyone assumed that meant they shot at him--that they were armed and dangerous. Later I found out that what happened was that he rammed his car, which is also assault. They got in front of me. I got involved in the pursuit. I got along outside, and I rolled down the window. I was about to shoot. I noticed the driver was a woman. I say to myself, if I see a gun coming, I shoot. I also noticed that her fender was busted. She couldn't get over 50 MPH. The rubber was tearing at the wheel... Finally we ran 'em off; no one gets hurt, shot. It's funny. I almost shot thinking that they had a gun...

This confusion as to what I.A. Thomas (1931) calls the "definition of the situation" is compounded by the reality that many officers involved in shooting episodes are (as we noted) in a heightened state of emotional turmoil. Even though an officer may

respond appropriately to a confrontation he may only have the vaguest conception of the actual facts facing him. Post-shooting interviews often reveal important differences between the events reported by the shooting officer and the facts that are later established to have occurred. For example, one officer reported five shots being fired in an incident which actually saw more than 30 exchanges of gunfire. A decorated officer who had been involved in a shooting episode, for example, described ironically how he had "pulled a Wyatt Earp" (i.e., shot the gun out of a suspect's hand):

There were these two "hypes". They came towards me about 15 feet apart with what looked like "22's". I instinctively fired. My heart was going crazy. I got a medal for shooting the gun out. I only told a few people that I was really shooting at the other guy. I really didn't see exactly what happened.

Another officer commented to us, in retrospect, about how a confused situation, rapid time perspective, and heightened emotions created a situation where he almost shot a fellow plainclothes officer:

There was a situation where a guy was shot. Officer B says, "Hey, there's a guy been shot", and calls for help. He says, "I don't know if the suspect is still in the house or not." Everyone who was working was there. (Later he found out the guy had shot himself because of his ex-wife.) A lady comes from next door yelling, "There's a man in my backyard. He's wearing a blue shirt and he's got a gun." We've got shotguns cocked and loaded . . . and I almost shot. . . but it turns out it's a plainclothes officer from another P.D who's answered the call.

Factual confusion in armed confrontation might be related to the fact that police officers, according to several studies (Fyfe, 1978; Sherman, 1980; Milton, et al., 1977), hit only a small percentage of the people they shoot at. Estimates of the shot-fired to person-hit ratio vary from 1:6 to 1:4 of all shots fired at human targets. This is especially interesting in that we find numerous examples of officers missing several shots from distances as close as seven to ten feet. One officer described a shooting after a "Molotov cocktail" was thrown during a riot in the 1960's at a group of six officers standing on a street corner. The officers fired a total of more than 20 shots at the man, all of the shots missing. Another officer similarly fired five shots at a man standing less than six feet from him, missing with every shot!

The confused factual context of an armed confrontation at times will have tragic implications as was the case with intense emotional response. Officers will in fact make shooting decisions based on what they believe to be true which, of course, may prove quite different from what in fact is true. The following article from the New York Times, dealing with a shooting among out-of-uniform officers provides an example of the consequences mistaken perceptions might play in a shooting situation:

Woman Slain in Gun Fight Between

Off-Duty Officers

A 24-year-old woman was fatally wounded early yesterday in the East New York Section of Brooklyn when caught in the crossfire between a Housing Authority officer and a Correction Department officer who were exchanging shots because of a dual case of

mistaken identity, the police said. Both off-duty officers were wearing street clothes at the time.

The shooting started when the correction officer saw a housing patrolman standing gun in hand over a man and a woman and apparently mistook him for a robber. The woman had been arguing with the officer about trying to get her car out of a parking space.

The victim of the shooting was Maria Pellot of 749 Franklin D. Roosevelt Drive. She was killed in a parking area at Pitkin Avenue and Crescent Street as she stood near her car. She had been visiting friends in the area.

The two officers, involved in the gun battle, in which nine shots were exchanged, were Housing Officer James Gibson, 31 years old, and Correction Officer Robert Johnson, 26. Detective John Britt, who was passing at the time--shortly before 1 a.m.--halted the shooting and disarmed the two men.

As Detective Britt later reported, the other officers were crouching behind cars when approached.

He said that he had drawn his gun, and showing his police shield to Officer Gibson, asked him to stop shooting. But the officer kept firing. Detective Britt said that he then approached Officer Johnson and persuaded him to cease shooting. Then he and Officer Johnson, shouting to Officer Gibson, convinced him that they were officers and got him to desist.

Mrs. Pellot was taken to Brookdale Hospital where she died of a bullet wound in the stomach.

Officers Gibson and Johnson were questioned at the Sutter Avenue police station and released pending further investigation. An autopsy is to be performed on the woman, and a ballistic test will be made to determine whose weapon had fired the fatal shot. A loaded .25-caliber automatic was found at the scene of the shooting.

The incident started when Mrs. Pellot tried to get her car out of parking space and found it was blocked by Officer Gibson's double-parked automobile.

Officer Gibson, who lives nearby, saw her and went to his apartment to get his car keys so that he could move his vehicle. When he returned, he saw Mrs. Pellot hitting his car with a pipe in frustration.

The officer tried to take the pipe from the woman. A passerby saw the struggle, went to Mrs. Pellot's aid and punched Officer Gibson in the face. The officer then drew his service revolver and said he was going to arrest them.

At this juncture, Officer Johnson—on a passing bus—saw Officer Gibson holding his gun over the man and Mrs. Pellot. Officer Johnson got off the bus and fired. The two men unaware that the other was an officer, then started their gun battle. The pedestrian fled.

An episode described in Chapter Four from Los Angeles similarly involved a tragic and mistaken perception of reality. A pair of Los Angeles police officers were protecting a murder witness when a 15-year-old boy hurdled the fence into the yard of the witness. The homicide investigator for the department related the shooting to the fact "that

the officer was blinded by floodlights from a nearby apartment building" leading the officers to believe that he was attacking the witness.

According to the LAPD press release:

The subject (young Washington) climbed atop the fence...and was apparently preparing to jump into the yard when he was observed by the Metropolitan Division officers. Officer Holland identified himself as a Los Angeles police officer and ordered the subject to "freeze". He failed to comply, jumped from the fence into the yard and started to turn toward the officers. Based upon the subject's surreptitious entry into the yard, the officers believed that he was armed and would attempt to accost the witness. Officer Holland fired three rounds from his service revolver, fatally wounding the subject in the head.

Another case of "mistaken identity" occurred in East Los Angeles, involving the slaying by the police of a non-English speaking Mexican man who had picked a toy plastic gun out of the garbage can and was carrying it home to his children. After he failed to obey an order to stop by two officers, he was killed. Similar confusion might be illustrated by a case where a hostage was shot because a SWAT team officer confused him with one of his captors. Another tragic incident involved a suburban police officer who was called to a burglary-in-progress call in the home garage of a carpenter. As he approached the open garage he saw a man with a long "pointed" object. He called to the man "to freeze". The man turned towards the officer. The officer fired three shots, almost fatally wounding the man. The man he wounded turned out to be the homeowner who was carrying a tire iron while chasing a group of teenagers

who had burglarized his garage. Fyfe (1978) described an incident where a New York police officer killed two armed Puerto Rican males who were seen standing with pistols above a young well-dressed black boy. Subsequent analysis showed that the men he killed were the owners of a "Bodega" which had just been robbed by the boy who the officer presumed to be their innocent victim. The boy who was arrested was later discovered to have been pointing a small revolver at the two men who were trying to hold him at bay.

Even under the best of circumstances it is difficult for the most experienced officers fully to distinguish facts from images. An officer will commonly believe an opponent is firing at him when other officers behind him are in reality firing at the opponent. Cigarette lighters may, in the dark, appear to be pistols; a man reaching for his I.D. may look as though he is reaching for a weapon. An interesting issue in this respect involves the relationship of cultural differences to mistaken perceptions. Perceptions are influenced by the set with which a situation is approached, and different kinds of people produce different sets in officers. A person of a given minority group may appear more dangerous than a middle-class Caucasian in similar circumstances. A black man, for example, in an older car (in even a routine automobile stop) may be approached with a gun drawn. Similarly, the time of day or week, culturally defined body language (for example, patterns of gesturing), and even dress might have a significant impact upon the officer's subjective assessment of the danger of a particular encounter, and that set could affect perception.

It should be noted, as well, that there are numerous cases of "misreading" social reality that result in jeopardy or death to the

misperceiving police officer. One officer we interviewed soon after a shooting described how he spent several seconds in a dangerous situation attempting to decide if a man behind him was just a fellow officer "fooling with him": "I was on patrol in _____ looking in an alley on a reported 459 [i.e., burglary]. I didn't see anything and started back to the car. All of a sudden, I heard this guy behind me say 'freeze, copper' from behind this fence. I didn't believe it at all. It wasn't like real. When I heard a cap go off I decided it was for real and dove in some bushes." Another officer refused to shoot a man who shot twice at him because he wasn't sure the "gun was real." The weapon later turned out to be a quite real .38-caliber revolver which had misfired. Another officer was shot when he walked into a middle-class neighborhood and "missed" a very real gun in the hands of a middle-class housewife.

Police communication techniques, as discussed in Chapter Four, may contribute to the often mistaken social perceptions of the officer faced with a decision to use deadly force. Dispatch calls may suggest extremely misleading appraisals of potential suspects. At times a dispatcher will refer to a getaway car brushing a police car as "assault on a police officer with a deadly weapon." Other departments will transmit a "man with a gun" call to an officer without qualifying the source of the information. In some cities, suspect descriptions will be extremely vague, fitting literally hundreds of persons. Also officers may be lulled by dispatched information which they might downplay or even dismiss. For example:

At about that night we had arrested three people for "false reporting." What they were doing was calling "man with a gun" because they felt that that was the only way they were going

to get service. One woman believe it or not was a school teacher who wanted medical help for her son and called in "man with a gun." Anyway that night we get our fifth, I said fifth "man with a gun" call. We are ho-humming it up the Colanade Apartments elevator, just jiving, us and a team from East. Anyway the door opens and we nearly shit seeing this guy with a gun. That taught me something.

It would seem reasonable to hypothesize that there exist psychological differences among individual officer's ability to perceive and interpret information (and effectively act on it). Officers themselves believe that some officers have almost an uncanny ability accurately to recognize and assess dangerous situations. One officer described another as possessing "antennae that other guys didn't even know were there". Another officer was described as "being able to see things you or I never would. Like we are passing a bus station and he sees something that looked like a bulge in this old guy's pants: We pass the guy, walk up on him and whammo, a loaded .45. I never saw nothing." Other officers are similarly noted for "having tunnel vision," or as one commanding officer suggested, "seeing only what they want to see." One officer, he said, "became so fixated on a pistol held by a man he confronted in a tavern that he failed to observe the detective shield the man held in his other hand." Luckily his partner disarmed him before he shot the detective who was holding an armed robber at bay.

The role of officer perceptions in coping with armed confrontations seems to be an important area for future research. What percentage of shootings we might ask result from erroneous (even if reasonable) interpretations of situations? It also seems important to determine if some

officers more quickly and accurately identify ambiguous perceptions than do others. Does, for example, heavy contact with armed confrontations increase an officer's ability to recognize important cues in subsequent violent encounters? It also seems important to investigate new training models which would effectively train officers in rapid and accurate assessments of the ambiguous "facts" encountered in armed confrontations.

Clearly, the factual ambiguity of many shooting situations may increase the emotional anxiety of the officer, just as the fact that the officer might be afraid or even terrorized and this state may reduce the probability that he will be able accurately to distinguish fact from image in a rapidly occurring armed confrontation.

Interpersonal, Physical and Weapons Skills and the Police Decision to Use Deadly Force

Negotiating skills are essential for avoiding deadly force in confrontations that are preceded by prolonged social interaction between the citizen and police officers. And such confrontations are far from rare. Milton (1977), for example, found that 32 percent of shooting deaths occurred in response to domestic disturbance incidents which typically involve extended discussions.

In addition, officers, through clear, non-ambiguous commands are often able to avoid the types of encounters that escalate into armed confrontations. It is quickly established that the officer is "for real" so that limits are not tested by the citizen. One officer with no shooting incidents in 11 years claims he has been successful in potential dangerous encounters because he has a calm, clear voice which "tells the other guy I would just as soon kill him as not."

There is some evidence that it is possible to train to improve the negotiating skills and command presence of officers. Morton Bard's (1980) analysis of a New York City police crisis intervention team indicates that the range of behavior repertoires available to officers might be increased. The police were encouraged to develop their own style of coping, guided by their perceptions of the citizen. Research evidence indicated that the response repertoires of the officers expanded along with the officers' sense of mastery in coping with disputes. A similar project in Connecticut documented an increased rate of officers successfully coping with family disputes. In this study, 18 trained officers encountered 1,388 disturbances without a shooting incident or officer injury. Studies reported by Driscoll (1976) and Helb (1977) found greatly lowered violence rates among officers trained in crisis intervention techniques and strategies.

Some officers seem to develop a successful style of "dispute management" without formal training. Paul Muir (1977), in his Police: Streetcorner Politicians, describes an officer who was noted for his ability to resolve family disturbances and similar conflicts peacefully. This officer rarely found it necessary to use physical force in even the most violent disputes. A fellow officer stated, "Joe Wilkes realized that any chance for long-run pacification of a family squabble depended upon the family members' reattaching themselves to those friendships, traditions, and concerns which they felt were important. Wilkes talked: 'My personality is to talk.' We talk about his possibilities about everything he had possibilities for. He looked for anything that indicated what was important to them! A car, a domino set, anything! . . ."

A young California officer described to us how he disarmed a psychotic and suicidal woman:

It was a slow night. We got a "925"--suicide in progress-- call in a seedy motel. We go to the door. There's this filthy woman sitting on the bed with a gun. She is obviously a "total looney tune." She says she is going to shoot. The sergeant says "Let's go get her." I say, "Come on, she's crazy." I go in and start talking. I look right at her eyes, talking slow. Then it dawns on me. She's lonely and needs someone to take care of. I say, "I'm really nervous, could you give me a cigarette?" She does. A minute later she lets me sit on the bed. Soon I ask for her gun, "for safekeeping". She gives it to me.

There are numerous instances where imagination, humor, guile, poise averted the use of deadly force. For example, another officer subdued an armed and large (and obviously extremely paranoid) man by opening the door of his police car and telling the man, "Hey, look, you can hide from them in here. Duck down, they won't see you here." The man huddled in the car until back up officers arrived. A Honolulu staff sergeant similarly communicated to us that the extremely low shooting rate in his city was in part attributable to the fact that in Polynesian culture it is considered "unmanly" to resolve conflicts by deadly force when guile, physical (but non-lethal) force, or cunning could do the job as well. "It is more macho here," he said, "to knock him physically on his ass or to bullshit him out of it." An officer in Southern California was observed by one of the authors when he and a younger officer were told

to respond to a call that 11 Samoans with knives were going after their landlord. There had been a dispute with the landlord over the rent. The younger officer drew his weapon as he left the car to approach the young men. "Put it away," the older officer said. "How many bullets you got," he asked his younger partner? "Six," was the reply. "Well, we won't be needing those then!" As he left the car the older man yelled to the Samoans using a few key Samoan phrases, "What's going on here?" The men told him of their complaint and offered to "put away their knives". They disbanded without incident.

The techniques used by officers to avoid violent citizen encounters are almost as varied as the personalities of officers. One officer, known for escaping "hairy" incidents without violence, said he had "joked" more guns out of people's hands than he could remember. An Eastern city police officer described a situation in which he approached a juvenile with a gun, taking it out of his hand by saying, "You ain't old enough for the draft yet, wait a year". Another officer disarmed a "huge, insane gorilla-type guy" with a knife by convincing him that "he would hold his knife for him so the cops wouldn't find it." An officer in another Eastern city marched up to the door of a gun-wielding insane, barricaded suspect with a hostage, and demanded a "cold beer". When he was led to the refrigerator he disarmed the suspect.

Often, physical skills are important. An officer who can physically control an opponent may, in some circumstances, avoid a level of threat that would warrant the use of deadly force. Speed in apprehending a suspect, in cuffing him and getting him in to the police car may thus avoid some "escalated" armed confrontations. In Honolulu, police officers all receive substantial training in effective (and difficult to learn)

martial arts techniques. Sometimes even a "fatherly" vigorous arm can control a potentially dangerous citizen.

Conversely, in many departments there are particular officers who are known for their "ability" to escalate unnecessarily minor dispute calls into major altercations. One officer was described by another policeman as "pissing people off regardless of race, nationality, religion, or political creed." Dispatchers in this city were under standing orders to route this officer away from any "major problems". At roll-call the Captain told this officer, "X, you must love getting your shirt ripped off. You do it all of the time." In one month Officer X managed to beat up a child molester, wrestle with a drunk in a parking lot, and provoke a hopeless fight with six sailors on leave. Later, X's sergeant explained that "X was an expert" in magically turning parking tickets into riots. Wambaugh offers a marvelous example of this type of officer in his description of Roscoe Rules, one of the Choir Boys. In one incident the hapless Rules and his partner Whaddayamean Dean, whose favorite sport was to get "scrotes" (virtually any citizen) to "do the chicken" by choking them with various and sundry chokeholds, managed to "create" a major battle with two hod carriers. The two policemen confronted the hod carriers, one black one Chicano, while they were involved in a relatively minor disagreement:

"I think we can quiet them down," Whaddayamean Dean said as Roscoe stood on one foot like a blue flamingo, rubbing his toe hopelessly on the calf of his left leg. "Can I talk to you?" Whaddayamean Dean asked the Mexican, walking him to the other end of the hall while Roscoe Rules hustled the silent black thirty feet down the stairway. "I don't want no more trouble

outta you," Roscoe whispered when he got the hod carrier to a private place. "I ain't gonna give you no trouble, officer," the black man said looking up at the mirthless blue eyes of Roscoe Rules which were difficult to see because, like most hotdogs, he wore his cap tipped forward until the brim almost touched his nose.

"Don't argue with me, man!" Roscoe said. His nostrils splayed as he sensed the fear on the man who stood hangdog before him... "What's your name?" Roscoe then demanded. "Charles ar-uh Henderson," the hod carrier answered, and then added impatiently, "Look, I wanna go back inside with my family, I'm tired of all this and I just wanna go to bed. I worked hard..."

But Roscoe became enraged at the latent impudence and snarled, "Look here, Charles ar-uh Henderson, don't you be telling me what you're gonna do. I'll tell you when you can go back inside and maybe you won't be going back inside at all. Maybe you're gonna be going to the slam tonight!"

"What for? I ain't done nothin'. What right you got..."

"Right? Right?" Roscoe snarled, spraying the hod carrier with saliva. "Man, one more word and I'm gonna book your ass! I'll personally lock you in the slammer! I'll set your hair on fire."

Whaddayamean Dean called down to Roscoe and suggested that they switch hod carriers. As soon as they had, he tried in vain to calm the outraged black man.

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A few minutes later he heard Roscoe offer some advice to the Mexican hod carrier: "If that loudmouth bitch was my old lady I'd kick her in the cunt."

Twenty years ago the Mexican had broken a full bottle of beer over the head of a man for merely smiling at his woman. Twenty years ago, when she was a lithe young girl with a smooth sensuous belly, he would have shot to death any man, cop or not, who would dare to refer to her as a bitch.

Roscoe Rules knew nothing of machismo and did not even sense the slight, almost imperceptible flickering of the left eyelid of the Mexican. Nor did he notice that those burning black eyes were no longer pointed somewhere between the shield and necktie of Roscoe Rules, but were fixed on his face, at the browless blue eyes of the tall policeman.

"Now you two act like men and shake hands so we can leave," Roscoe ordered.

"Huh?" the Mexican said incredulously, and even the black hod carrier looked up in disbelief.

"I said shake hands. Let's be men about this. The fight's over and you'll feel better if you shake hands."

"I'm forty-two years old," the Mexican said softly, the eyelid flickering more noticeably. "Almost old enough to be your father. I ain't shaking hands like no kid on a playground."

"You'll do what I say or sleep in the slammer," Roscoe said, remembering how in school everyone felt better and even drank beer after a good fight.

"What charge?" demanded the Mexican, his breathing erratic now. "What fuckin' charge?"

"You both been drinking," Roscoe said, losing confidence in his constituted authority, but infuriated by the insolence which was quickly undermining what he thought was a controlled situation.

Roscoe, like most black-glove cops, believed implicitly that if you ever backed down even for a moment in dealing with assholes and scrotes the entire structure of American law enforcement would crash to the ground in a mushroom cloud of dust...

"You honky motherfucker!" the black hod carrier yelled when he finally exploded. He tossed a straight right at Whaddayamean Dean which caught him on the left temple and knocked him free of the Mexican and over the kneeling body of Roscoe Rules who was hoping desperately he wouldn't puke from the kick in the balls. Roscoe aimed a spunky blow at the black hod carrier's leg with his unauthorized, thirty-four ounce sap which pulled his pants down when he wasn't careful to keep his Sam Browne buckled tightly.

Hit 'em in the shins. They can't take that, thought Roscoe, swinging the sap weakly, relying on folklore to save him now that he could not stand up.

But the hod carrier did not seem to feel the sap bouncing off his legs as he and the Mexican took turns punching Whaddayamean Dean silly.

The redhead had lost his baton and gun and was bouncing back and forth between the two men. "Partner! Partnerrrrr!" Whaddayamean Dean yelled, but Roscoe Rules could only kneel there, look up in hatred and wish he could shoot the nigger, the spick and his puny partner.

Then Roscoe fell over on his back, nursing his rapidly swelling testicles, spitting foam like a mad dog.

It ended abruptly. There had been men, women, and children screaming, encouraging, cursing gleefully. There had been bodies thudding off the walls, doors slamming. Then silence. Roscoe Rules and Whaddayamean Dean Pratt were alone in the hallway. Both on the floor, uniforms half torn off, batons, hats, flashlights, guns and notebooks scattered. Whaddayamean Dean lay moaning, draped across an overturned trash can. Roscoe Rules felt his strength returning as he struggled to his feet, keeping his balls in both hands for fear if he dropped them they'd burst like ripe tomatoes...

While the portrayal of Roscoe Rules is of course more characature than reality, there is truth in Waumbaugh's portrayal in that at least some conflicts involving police deadly force are precipitated by heavy handed and unskilled police inter-personal communications. Roscoe Rules' "black glove" law enforcement style is by no means the only type of police behavior which may lead to an inordinate number of unnecessary confrontations. One officer, for example, with a very weak self image (his description) and poor voice control (his supervisor's description) shot three times in situations where citizens failed to recognize his identity as a police officer. Another officer insisted on giving a

"sidewalk lecture" to a man he had just arrested on a narcotics charge (instead of placing his prisoner in the car and driving off). Before he had finished his lecture, a crowd developed to "seize his prisoner". A warning shot was finally fired to disperse the crowd, almost precipitating a full blown riot. In other instances, failure to cuff a prisoner properly has resulted in shots being used to either fend him off, or recapture him.

It should be observed that officers may be more or less skilled in particular situations. One officer, who had survived several hundred armed arrests while in a tactical unit without firing a shot, became involved in a series of off-duty squabbles which resulted in shots being fired. Conversely, other officers who seem to possess unusually effective crisis intervention skills may not possess the positioning, shooting, and teamwork skills required effectively to handle such armed confrontations as those encountered in planned narcotics raids.

It might also be noted that the focus upon verbal skills by Bard (1980) and others in avoiding the escalation of encounters is perhaps most appropriate to confrontations with unarmed, drunk, insane, and angry persons. These encounters are but a small proportion of armed confrontations faced by police officers and an even smaller proportion of police shootings. Many encounters require sheer physical strength. In the situation described below, an imaginative (and strong) officer was able first to fool the opponent (by feigning paralysis) and then physically overcome him, thus avoiding an almost certain shooting encounter:

There was knowledge that a young black male was holding up subway passengers at Norfolk and Orange streets. We decided to stake the place out (two members of the tactical squad,

myself and my two partners). It was very cold. We waited and waited. The tactical squad left. We waited some more. Finally, my partners left their positions, came over to me and asked what we were going to do. It was extremely cold and it appeared the suspect was not going to show up. As we stood there talking together, the suspect came bounding down the steps. He was armed and began waving the gun about, covering all of us simultaneously. He asked us to raise our hands. I responded that I was paralyzed and could only raise one arm. (Actually, my hand was on my gun inside my pocket.) As another subway approached the platform, the suspect glanced in its direction. This afforded me the opportunity to draw my weapon, yet I did not shoot for fear that the bullet might ricochet off the steel beam and strike one of my partners. Instead, I wrestled the suspect to the platform (luckily, I was lifting weights and stronger than him!), confiscated the gun which, incidentally, he had stolen from another officer earlier. With the aid of my partners, we got the handcuffs on the suspect.

Skills that only tangentially belong in this section are those related to the use of "non-lethal" weapons. Skill with a nightstick, sap, flashlight, or chemical shield, or mace can avoid some uses of deadly force. And various new non-lethal weapons show promise of ending a confrontation without a shooting. Several departments have been exploring the use of a "Tesor gun" which fires disarming darts into the citizen. The darts penetrate the skin and a stunning electric charge is sent via wires connected to the darts. Los Angeles police personnel

recently patented a "people grabber" useful in certain types of armed confrontations; the device grabs the legs of a person in a vise-like manner. Some officers who were involved in the emotionally charged shooting of a crazed citizen in Los Angeles worked to invent a non-lethal "beanbag stun gun" to control such persons. The technology of these supplementary weapons makes them useful only in certain incidents - usually those involving a citizen not armed with a gun where there is enough time for deliberate police actions.

Paradoxically, perhaps, proficiency and familiarity with lethal weapons might deter some shooting decisions. One very experienced L.A.P.D. commander commented: "One of the strange things in this area is that the S.W.A.T. [special weapons and tactics] team is trained to hit you in the eye from 100 yards, after they have run 100 yards in full equipment, yet they almost never kill anyone." This paradox is documented in many cities where the most proficient S.W.A.T. trained officers will confront dozens of violent persons each year, and often kill no one.

A related paradox may be found in the area of ammunition. The type and effectiveness of ammunition used by a police department may affect the decision to use deadly force by increasing or decreasing the officers' faith that the weapon, if fired, will in fact "stop" an opponent. Some officers commented, for example, that few of them had confidence in the .38 hard point bullet used by several departments, including the Los Angeles Police Department. These officers suggested the possibility that the reason O'Calligan and Hopson fired their weapons as many times as they did at Eulia Love is because they were not sure that the bullets issued to the department could "stop" a strong and crazed individual. One officer thought that, had a more potent hollow point bullet been

issued, fewer shots would have been fired. He also speculated that the officers might have waited an instant longer if they believed a single shot would have "stopped" Mrs. Love.

Sheer marksmanship may also paradoxically help an officer avoid certain uses of deadly force. An officer who is a dead-eye shot can (if permitted) fire a warning or "limb" shot where a less skilled man must shoot to kill. One extremely skilled marksman (an officer who has shot "100's" [perfect score] for several consecutive years) described a warning shot as follows: "As he ran I aimed at the center of his head and then moved the target over six inches creasing his scalp. He stopped as soon as he felt that old .38 whistle by."

The level of social, physical, and technical skills of the officer may, thus, affect the use of deadly force. In some situations, knowledge of and ability in alternative strategies may allow the officer to avoid the use of deadly force. This dimension of skill seems most relevant to an armed confrontation where there is sustained "dialogue" between citizen and police officer. In other situations, the ability to gain tactical superiority through positioning seems uppermost. Obviously, heightened emotions and the clarity with which the intentions of a perpetrator are defined might greatly effect the level of skill an officer can bring to bear in a given armed confrontation. In this sense there can be an interactional effect between an officer's level of emotional control, his ability to recognize and act upon objective facts and his level of interpersonal and physical skill.

Officer Moral Judgement and Police Uses of Deadly Force

Another psychological dimension related to police use of deadly force is the moral judgment involved in the decision to shoot.

Many officers recognize that the decision to use deadly force represents an explicit moral judgement on their part. One officer commented, "It's like playing God." Another man suggested, "it weighs on you all the time, that you can take someone's life and it would be wrong." The officer described earlier who shot and killed a driver of the fleeing stolen recreational vehicle offered, "Well, I don't think that anybody else is going to shoot him, and it looks to me that there is only one thing that is going to happen. What are we going to do? Drive off the exit. . . He is going to keep killing people. . . he's going to hit people. . . this thing has got to stop. . . I told [other officer], we got to shoot him. . . if it was unfair to anybody, it was unfair to us being there." After a shooting confrontation, some officers often go through long periods of moral deliberation, as well as despair, regarding their actions. One older officer described a shooting incident he was involved in more than ten years earlier: "In 1963 I shot a boy who was running away from a Safeway [store]. It was a legal shooting. I even got a medal. Everyone said 'nice shooting, nice shooting', but it stunk. If I had known what I know now, that young man would be alive today. I didn't see it as wrong, then, but now I do."

Some officers assert their moral responsibility and seem actively to defend the moral rightness of their actions. One officer who shot a fleeing juvenile insisted, for example, on viewing the body of the man he had just shot:

I guess I should. I shot the guy. I just don't want to walk away from it. . . I looked at him and I said that guy is dead. . . People were concerned about how I felt. "How you feel; how you feel?" I didn't feel bad. Pretty soon I began to wonder -

how am I supposed to feel. . .I didn't feel bad because I had done my job. Some of the decisions were made because we were the only people there to do it. We couldn't shirk the responsibility. That was to me the reason we were doing. It was the potential risk to the rest of the people on this freeway, not because we felt that we just wanted to kill someone, not because if we didn't kill him he was going to kill us. . .There was that possibility, but that wasn't it. It was the fact that we were put in the position that we had already seen many people being hurt, the potential of death to somebody. All of them who were innocent! That is what we are ready to do. That is what we are called upon to do. That's what we are ready to do. If we backed off we didn't know how far this thing is going.

Other officers seem far less willing to accept moral responsibility for their actions. One officer blamed his actions on "instinct"; another said, "you couldn't hardly see who you were shooting at in that dark"; an officer who killed a fleeing felon commented with seeming black humor, "Well, it saved the county a trial."

Beyond the acceptance of moral responsibility is the issue of when and under what conditions individual officers believe it is morally right to use deadly force. Statistically, as stated above repeatedly, officers shoot in only a small proportion of the situations where they might legally or even dutifully shoot, according to departmental guidelines.

Assuming that moral considerations become more pressing in decision-making as one moves closer to the operational context, the set of forces operating on an officer may be conceptualized as in Figure 1. The

outermost circle represents the broadest set of forces - statute and case law. The next circle represents administrative or departmental policy, which is necessarily no less stringent than law. The third circle, moving inwardly reflects police informal culture: the practice informally encouraged and allowed. While this force may, in theory, be no less stringent than law or policy, it is clear that this is not always the case in practice. But where there is that type of discrepancy, there will eventually and necessarily be corrective action by the chief, city officials, the courts, the community, or a combination of the preceding. Finally, the innermost circle represents the conscience, the inner controls of the deciding officer himself. While we have given several examples throughout this book of officers who feel and express a good deal less restraint than police culture, policy, or even law would require, it is our opinion that the moral forces within many or most officers are as restrictive as the other forces. That brings to mind a conversation one of us had with an officer regarding the newly implemented, highly restrictive shooting policy for the department in Birmingham, Alabama. To the question, "Are you upset by the new policy?" came the response, "Hell, it doesn't make any difference to me, I'm not going to shoot anyone anyway."

It is of course true that police officer associations do often take strong positions in opposition to the implementation of departmental policy that is more restrictive than the preceding one. To illustrate, the pathetic individual depicted in Figure 2 represents the police officer in Birmingham, Alabama, according to members of the police association, after the imposition of a restrictive deadly force policy. It was no longer acceptable to shoot at a felon fleeing from a non-violent crime. Hence, the odometer, track shorts, cleated track shoes, etc.

But we think such opposition represents political, not moral positions. The officers are attempting to protect themselves from punishment in cases of decisions that are difficult, and then seem wrong to investigators in retrospect, rather than stating moral positions.

Figure 1

Circles of Moral Decision-Making

Law

Administrative Guidelines

Informal Organizational Norms

Individual Moral Choice

Our position is summarized below in the comment of a commander in a police department with a very high citizen-to-citizen murder rate:

Look, let's face it. If people shot to the limit of when they could shoot there would be bodies all over the place. The department is tougher than the state statutes, and informally,

NEW DRESS CODE

(for the ambitious cop)

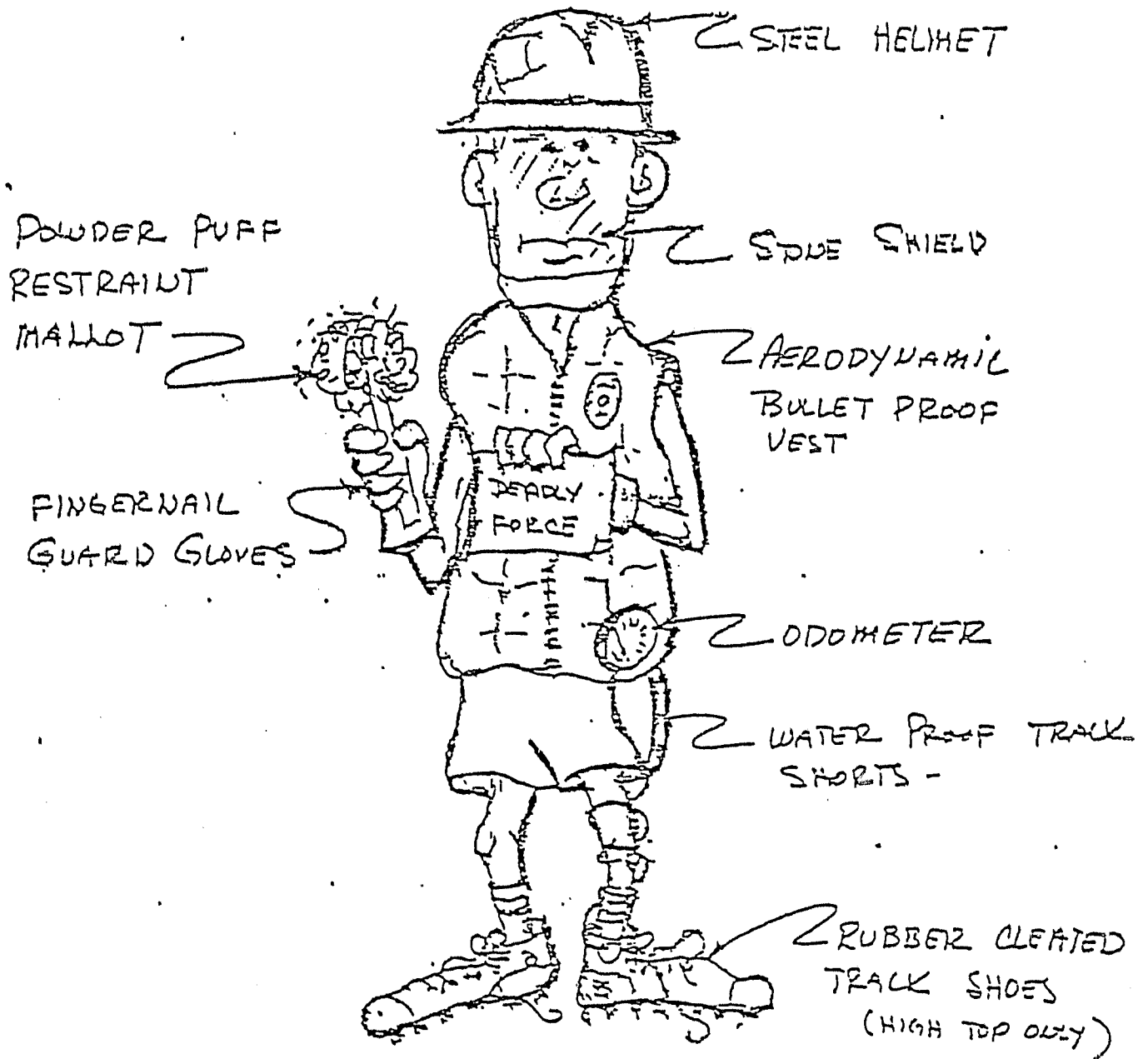


Figure II

we discourage some aspects of our guidelines in other than the most extreme situations. For example, our guidelines say you can shoot a felon in certain circumstances; but unless it's a murderer or something, you don't do it. But still even under these conditions there are guys who have their own rules. Even if their life is on the line, they are willing to take chances where other guys won't.

Another officer who had faced several armed situations similarly commented:

I'm willing to go that extra step, that extra mile for a person. That's the way I am. It's not like it's the law; it's a life, that's what it's all about.

Both organizational and individual factors determine the bounds of the inner circle defining the specific circumstances which, for the given officer, justifies the use of deadly force. Uelman (1973) and others have suggested that the chief of a particular department may convey to officers a particular moral atmosphere through his pronouncements, guidelines, review decisions, and operating rules governing police officer deadly force. A department, for example, may communicate much about its concern for a citizen's life by the care which it takes to review shootings and to train its officers. On the other hand, a commander with a "hard charger" mentality may communicate to officers his expectations that violence will be condoned or protected in certain cases. A department's policy guidelines may also implicitly indicate either a concern or a disregard for human life by the types of restrictions it places on the taking of human life.

Differences over officers in moral judgment regarding the use of deadly force was investigated by Scharf (1980). He used Kohlberg's

conceptualization of moral reasoning to interpret officer moral reasoning regarding the use of deadly force. This psychological approach analyzes the structure of moral reasoning as opposed to the content of particular moral judgments. According to Kohlberg, each moral stage represents a unique mode of processing moral information. Each successive stage possesses an increasingly adequate and reasonable framework for resolving moral conflict and for interpreting moral probabilities. The theory asserts that some moral perspectives are truer or righter than others as measured by their legal logical consistency. Moral reasoning has been found to be positively correlated with legal reasoning by Tapp (1976) and others.

Stage 1 in Kohlberg's system is the punishment and obedience stage, or a naive rational hedonism. Stage 3, or "good boy/girl" orientation, becomes associated with collective opinion. At Stage 4, there is a shift toward fixed definitions of law and society; the law is justified in terms of its order-maintaining function. Stage 5 is a legalistic-contract orientation in which law becomes the agreed upon contract among social equals, with duties of stage and individual clearly defined and regulated. At Stage 6, Kohlberg argues that there is a universal basis for ethical decision-making. The law here is a repository for broader social principles and is subordinate where law and justice conflict. Each stage suggests quite different concepts to define what might constitute justifiable homicide. At Stage 5, for example, homicide is justifiable given a clear utilitarian mandate that only by taking a life in the situation can other lives be saved. At lower stages, the concept of justifiable homicide may be understood in terms of particular societal standards, interpersonal feelings, or self-interest.

According to this theory, officers at lower moral stages have a quite different conception of a legal statute than officers at higher ones. Complex legal ideas as "necessary force and reasonable force" are difficult concepts for individuals below Stage 4. The approach assumes that police officers will in fact make a conscious moral evaluation that is critical in deciding whether or not to use deadly force in a particular situation.

In Scharf's study, 24 officers were randomly selected from two Western state police departments. The sample included 18 patrolmen, four sergeants and two lieutenants. The officers ranged in experience from six months to 27 years of duty. Exactly half of this group possessed college degrees; the mean age was 30 years. An interview schedule including moral dilemmas faced by police and citizens generally was used. The general dilemmas were those developed by Kohlberg, carefully standardized in terms of rating procedures. A police dilemma, for example, asked officers to decide if it was right to shoot a suspect who was holding a hostage in a convenience store. It was assumed that it was 50 percent probable that he could kill the perpetrator without harm to the hostage and 30 percent probable that if he did not shoot, the perpetrator would shoot the hostage. Descriptive analysis revealed an apparent association between moral stage and decision on the "shooting dilemma" (Table 1).

The pre-conventional (Stage 2: none were scored at Stage 1) officers in our sample tended to view the hostage dilemma as a problem of personal authority and control. For example, the five police officers scored at Stage 2 showed a concern with power and domination. One officer remarked:

Table 1

Stages of Development

Preconventional

- Stage 1: Obedience and punishment orientation. Egocentric deference to superior power or prestige, or a trouble-avoiding set. Objective responsibility.
- Stage 2: Naively egoistic orientation. Right action is that which instrumentally satisfies the self's needs and occasionally others'. Naive egalitarianism and orientation to exchange and reciprocity.

Conventional

- Stage 3: Good-boy orientation. Orientation to approval and to pleasing and helping others. Conformity to stereotypical images of majority or natural role behavior, and judgement by intentions.
- Stage 4: Authority and social-order-maintaining orientation. Orientation to "doing duty" and showing respect for authority and maintaining the given social order for its own sake. Regard forearned expectations of others.

Postconventional

- Stage 5: Contractual legalistic orientation. Recognition of an arbitrary element or starting point in rules or expectations for the sake of agreement. Duty defined in terms of contract, general avoidance of violation of the will or rights of others, and majority will and welfare.
- Stage 6: Conscience or principle orientation. Orientation not only to actually ordained social rules but to principles of choice involving appeal to logical universality and consistency. Orientation to conscience as a directing agent and to mutual respect and trust.

I go into a situation and attempt to show control. I am kind of like a rooster. I am going to show everyone who is boss. I first get control, then I decide what to do. . .I try to get them to respect my uniform--to know that I am the law!

In responding to the dilemma involving the hostage, there was typically more concern with the officer's own life than that of the hostage (Question: "What would you consider in deciding to shoot?").

It would depend on whether or not he fired at me. That's the first thing. . .If he shoots at me and misses--he's a dead man.

The Stage 2 officer's conception of utility in determining whether to shoot seems simplistic. Often in these interviews, the opponent is stereotyped as a "bad" guy and dealt with accordingly. For example, one officer said:

The bad guys can hit innocent people as well as me. They are probably not as good a shot as I am; they are more likely to hit someone than me. . .They are the bad guys. . .they are potential dangers when they walk out on the street. . .

There was often a tone of cynicism in these interviews. One officer suggested that "blowing away a bad guy was doing society a favor."

Another officer referred to the courts as "the asshole of the criminal justice system, blowing out what we put in." Another patrolman noted that "most guys don't shoot because that can get you sued."

The 14 conventional (Stages 3 and 4) officers showed quite different moral reasoning than did the preconventional subjects. While the Stage 2 police officers were concerned with concrete consequences to themselves or others, the conventionally reasoning subjects showed a far

greater concern with the procedural legality of particular actions. For example, one officer with a rather religious Stage 4 moral philosophy responded as follows to the "Heinz" dilemma (asking whether it would be right for a man to steal a drug if his wife were dying of cancer and there was no other alternative):

It's God's law. "Thou shalt not steal." No if's, and's, or but's about it. I might do it, but it would be wrong. When they were transporting the Ten Commandments, God said, "Don't touch them". They started to fall, and a guy grabbed them and he dropped dead. It's the same thing. . .

In the hostage situation, the officer used a similar "law and order" philosophy:

The law says that I have probable cause if he goes towards the woman. Thirty percent is enough for probable cause in the eyes of the law. I would say, "You kill her and you are going to die." The law would say that if I shot, it was justified. He was threatening her life. I would be within my rights.

Similarly, another officer, who also scored at Stage 4, suggested that the penal code pretty much defined his obligations in the situation. Moral obligation is defined by what is legally permissible, rather than by what actually is for the greatest good:

I'd be more inclined to shoot than not shoot. Like, there was a guy who had 56 arrests. Given that kind of background, I think the law would back me up in shooting. . . He's threatening another person. You would be justified in that circumstance. If you tried other means and there was no other way, then that's the way it has to be.

The conventionally reasoning subjects showed a great concern with others' evaluations of their actions. One officer suggested that his sergeant "would go along with shooting in this situation". Another officer told about several instances where he was "reamed out" for making a mistake. A patrolman who scored at Stage 4 similarly offered: "Look we got a supervisor looking over our shoulder making sure we enforce the 80,000 laws on the books." Generally the conventionally reasoning subjects perceived few ambiguities in the law:

There aren't that many tough decisions to make. The only decision you make is how to handle the people while you are carrying out the decision. But the decision is right here [i.e., in the penal statute book]. . .

The mostly postconventional or principled (Stage 5: there were no clearly Stage 6 officers in our study) officers demonstrated quite different perspectives from that seen in either preconventional or conventionally reasoning officers. These officers suggested that, while taking a life would be justified under certain circumstances, it must be regarded as a last "in extremis" strategy. One officer suggested:

Taking a life must be the ultimate thing. It's like playing God. I would never shoot unless a life were in imminent danger. Shooting for property makes no sense at all. We don't have capital punishment for theft. The important thing is saving the life. I would even be further tempted to take chances with my own life than that of an unarmed civilian. It would take less of an overt action to shoot with a civilian than myself, but it's still an extreme step.

While many of the preconventional and conventional officers made little distinction between shooting to save a life and shooting to stop a fleeing felon, the postconventional, Stage 5 officers saw these two justifications quite differently. One officer said:

I have a principle--my own philosophy. I won't shoot unless my life or someone else's is absolutely in danger. If it's my life, and I can still flee, I won't shoot. . . A thief, it's different. There's no life. As long as he does nothing to threaten me, I won't do anything. If he runs from the car I will pursue; but I will not shoot.

This same officer similarly made a clear distinction between what is legally right and what his conscience defines as morally acceptable:

If it's 20 percent that he would shoot the hostage, this seems different than 50 percent. At 50 percent (though I know the probabilities can change quickly), then I might shoot if I was sure I could save the hostage. At 20 percent there is a substantial chance that through sealing off the area, of just talking the guy down, I can get out of this with no harm to anyone.

Characteristic of the Stage 5 interviews was the perceived sanctity of human life. Most of the officers indicated that any solution not violating a human life was preferable to a solution in which a death occurred. These officers also shared a common moral respect for the perpetrator's life, which was not articulated by the preconventional and conventional officers. While these lower stage officers often assumed that the perpetrator was either a "hype" or a "bad guy", the postconventional officers tended at least to cite mitigating factors such as: "Perhaps

the guy was panicky", had gotten "into a bad position", etc. This concern for the life of the perpetrator as well as that of the hostage or potential bystander was unique among the morally postconventional subjects.

The moral values of the individual officer are probably most important in explaining differences in officer shooting behavior in those situations where the threat to the officer is ambiguous, or in cities with very open-ended guidelines, as, for example, those allowing the use of deadly force against fleeing felons. For example, when one officer risked his life by hitting a low caliber rifle out of the hand of a young boy with a nearby tennis racquet, other officers (commenting on the incident) suggested that the risk taken by this officer was inappropriate for them. Conversely, some "quick firing" officers seem to believe that almost any threat to them justifies the use of deadly force to protect themselves.

In terms of the shooting of fleeing felons, many highly principled officers simply do not believe that the capture of a fleeing felon justifies the taking of human life, while most lower stage officers find this practice consistent with their moral values.

While we do not have the corresponding moral levels for the officers below, the variety of moral reactions to shootings is well depicted. One officer commented, in regard to a shooting:

Look, I didn't like it, but I don't think about it. It was unfortunate, but I'm a professional, and dealing with this type of situation is part of my job.

Another officer similarly involved in a near fatal shooting said bluntly, "I only felt bad the motherfucker didn't die. A few weeks

Table 2

	<u>Shoot</u>	<u>Don't Shoot</u>
Postconventional (Stages 4/5 and 5)	0	5
Conventional (Stages 3 and 4)	5	9
Preconventional (Stages 2 and 3)	4	1
Total Response	<u>9</u>	<u>15</u>

later he was in his LTD selling dope and waving at me as he went by." Others still placed the moral burden upon the (deceased) opponent. "He puts the situation on himself. It is the opponent who created the circumstances that got him killed. I'm just reacting." For other police officers, the shooting creates immense moral turmoil. One officer said, "I break out in hives just thinking about it." Another man described seeing "the face of the man I killed in crowds, on the faces of players in a basketball game, just anywhere." Still another officer simply and articulately said:

It [i.e., the fatal shooting] made me realize the implications of the job, of what I am doing. That I am hired to decide when to kill.

It would seem, finally, that fear, the perceptive clarity of the situation, and the officer's collection of abilities determine the degree to which moral concepts are operationalized in a given incident. The officer who is afraid and cannot control the fear may not be able to assess the shooting situation rationally. Similarly, the officer who erroneously perceives the threat posed by the citizen or lacks non-lethal alternatives faces a different moral dilemma than that faced by a more perceptive and socially skilled officer.

Conclusions: Competencies Related to the Responsible Police Use of Deadly Force

In this chapter we have described some of the competencies required of police officers forced to cope effectively with armed confrontations, emphasizing various psychological capacities affecting the propensity to use deadly force. We have considered not only the individual capacities

an officer needs to cope with an armed confrontation, but how such capacities might interact. An officer, for example, who is extremely fearful in a particular encounter may not be able to define reality objectively, nor be able to bring to the situation effective interpersonal skills. We have further suggested that these capacities may affect decision-making well prior to the final frame in which the officer must choose whether to shoot or not. The ability, for example, to assess critically information may affect an officer's preparatory behavior as he anticipates a particular confrontation, how he assesses the scene upon arrival, and how he interprets a citizen's response to his commands or orders.

There is, too, an interactive effect between situational characteristics and abilities. That would account for an interesting phenomenon that may exist - our informal, undocumented observations make it appear that officers who shoot several times over a period of time, shoot in very similar situations. One officer, for example, fired four times, all in off-duty situations in bar fights involving women. A tactical team officer fired no fewer than six times in duel type confrontations with armed felons. A different officer fired three times in situations preceded by physical altercations with a citizen. Another officer fired three times in situations where citizens failed to recognize him as a police officer, due to this officer's slight demeanor, and apparently non-assertive communication skills. Another man, apparently in panic, has fired three times at cars he felt were about to assault him.

The evidence is far from conclusive, but that consistency does seem to indicate that the personal characteristics of the officer interact with circumstances. That, of course may amount to little more than the

observation that there is little consistency of personal characteristics across situations. Whatever, it does seem clear that certain officers in particular encounters are far more likely to use deadly force than are other officers in similar encounters, and that officers who are at risk in one type of confrontation are not at any special risk in another. The officer mentioned above who had been in four off-duty bar confrontations in which shots were fired had been involved in more than 200 prepared on-duty confrontations with armed persons, without a single shot fired in any of these incidents!

Some people (e.g., Takagi) object to the focus on psychological abilities in analyses of the use of deadly force on the grounds that it stresses the "bad apple" in the police barrel rather than the badness of society and its "repressive" forces, the police. Our emphasis, rather, has been on the diversity of abilities over officers rather than on the concentration of negative ones in a few ("bad") officers. While we are not willing to deny that there are officers who are so ill-equipped psychologically for police duties that society would be better off if they were in different occupations (indeed we have provided examples of such officers throughout this treatment), our feeling is that the number in this category is quite low. Vastly more important, in our opinion, are the array of differing capacities, their mutual interaction, and their interaction with situational characteristics.

Empirical research in this area is extremely difficult. As Sherman (1980), Inn and Wheeler (1977), and others have observed, officers who get involved in shooting episodes tend to have an unusually high attrition rate. In addition, there are the major difficulties associated with the assessment of differential capacities.

It is our feeling that many shooting policy statements (like the cockpits of many airplanes) are not designed for human beings. While humans differ in relative capacities, strengths, weakness, etc., the best of us are very limited in what we can do under conditions of stress in a rapid time-frame. These policies may, in short, be asking the human beings who became police officers to perform at unrealistic levels.

Our analysis also suggests a framework in which to analyze training related to police deadly force. Few training efforts have previously attempted to conceptualize the varied and complex competencies necessary to implement a responsible deadly force policy. Most training, as we will observe in Chapter Seven, focuses upon one or (possibly two) isolated competencies. Shooting simulators, like that of September and Associates, for example, attempt to train police officers quickly to identify threats against them. Bard (1970) and Roberts (1978) crisis intervention training approaches focus almost exclusively upon the verbal skills useful in dealing with a limited range of disputes. If training is to be effective in reducing the aggregate number of police shootings, it must focus on multiple psychological dimensions - emphasizing those capacities which might influence police behavior in a wide range of armed confrontations. Also, such training should be conducted in environments simulating the complex (and often bewildering) conditions in which deadly force episodes usually take place. From our observations, this approach to "shooting" training is rare in police departments. The New York police department's "outdoor" training is exceptional in that there has been an effort to ground training on the competencies required to cope with the most common types of shooting incidents.

The approach we have taken here may be also useful to develop hypotheses relevant to both personnel selection and management. In selecting police officers who would be at minimal risk in terms of inappropriate police shootings, it might be useful for selection boards, test developers, and others to review their conception of the types of competencies required in street confrontations. As we have taken pains to argue in this chapter, the capacities required for such a task may be far more extensive and complex than has previously been recognized. It also may well be that as important as are the specific capacities of the officer is his ability to implement these capacities in the heat of an armed confrontation. This would suggest the development of assessment centers designed to measure officer abilities under conditions similar to those found in "street conditions".

In terms of the management of police personnel, it would seem important to put more emphasis on the tracking of officer behavior in various circumstances than is currently done by effective supervisors. It would seem possible to recognize an officer who is prone to react excessively to particular types of situation (e.g., heated confrontations with insane persons, ego threatening confrontations with juveniles, a prepared narcotic raid, etc.), and, through reassignment, reduce the risk of a particular officer confronting a particularly risky type of opponent or situation, thus reducing the likelihood of deadly force. One officer, for example, who had experienced a series of shootings in armed raids was transferred (in spite of his unusually effective arrest record) to a detail in the department's Emergency Services Division. Since this transfer more than three years ago, he has been in numerous confrontations with insane persons and others, but none involving a use of deadly force.

In Chapter Seven we will shift our focus towards the impact of law and departmental and policy and procedure upon police use of deadly force. We will describe differences in departmental deadly force rates, and relate these differences to administrative policy and procedure designed to reduce the use of deadly force (for example, shooting guidelines, training, operational rules, shooting review policies. In this analysis of administrative policies to control police deadly force we will emphasize the political forces constraining effective policies to monitor and prevent killings by (and of) police officers.

CHAPTER SEVEN

THE ADMINISTRATIVE CONTROL OF DEADLY FORCE

Introduction: The Paradoxes of the Administrative Control of Deadly Force

A police chief in a mid-Atlantic city glanced nervously at the report on his desk. An officer with seven years experience had shot a man armed with a .22 pistol. On casual glance the shooting would seem non-controversial--almost routine. The report tersely indicated that the officer was faced with an apparent threat to his life and fired only after he had been shot in the thigh. This shooting was in reality, however, anything but routine. The officer had been disciplined twice in the two previous years for excessive use of force against black gang members. Three years before he had shot a kneecap off a sixteen-year-old boy who had a broken bottle when he was cornered in a school yard by the officer (and three others). Also, the current shooting involved a politically active black man in the "hardest" core ghetto area in the city. The preliminary report stated unambiguously that the man had first shot the officer in the thigh and then was shot by the police officer. As the chief was just finishing the report, a black reporter from a local newspaper called to ask him if he had a comment about a reported witness to the shooting who claimed that the victim was shot more than two minutes after the officer was shot. The chief responded that he was unaware of any such witness. "Well, you'll be reading about it in the evening paper," the reporter said. He abruptly hung up. The next call came from the Police Protective Association. The president of the Association was at the other end of the telephone line to urge the chief "to express support for all the city's officers in his report..." Anything else, he said, "might demoralize the troops." He added that he could take no responsibility for how they might respond if the officer

was disciplined. In the afternoon, the chief visited the wounded officer in the hospital. The man was not seriously hurt but seemed disoriented and defensive. His eyes twitched and he smiled blankly. Later that afternoon, the chief received a petition from a group calling itself "The Citizens' Coalition Against Police Abuse" demanding that the chief immediately fire the offending officer. The petition also called for a "citizen's audit" of the department's shooting policies, training and review processes. The chief later met with the captain in charge of the shooting review team; the grave captain handed him a detailed report containing the following:

Officer X encountered a black male, age 23, who pulled a pistol from his jacket while on his porch at 22 Joseph Avenue, after Officer X questioned him about the whereabouts of an acquaintance. The officer told the man to drop his weapon. The man fired two shots from a .22 pistol at Officer X, wounding him in the left thigh. The officer returned fire, killing --.

"I.A., good as you can get" the captain grimly offered. "The broad who said that he wanted to blow him away was full of shit. Two cops saw it differently. Those people will always stand up for their own." The chief asked for the service, personnel and psychiatric records of the two backup officers, both veterans with long service in the precinct with Officer X. Both service records indicated a series of unusual incidents; one officer was accused of covering up a beating; the other man was accused of participating in a "late cop. parts" at a local brothel. Neither, however, was sufficiently substantiated to warrant a shift in assignment or suspension. At 5 p.m. the mayor called. "What was the chief going to do about his shooting? Did the chief know that a

rally was planned that night in the Baptist church?" The chief spoke to the district attorney's office before leaving for home. The D.A. wanted the "paperwork" on the shooting by the next morning. He said he'd had more than a dozen calls about it already. "What," he wanted to know, "was the chief going to do about his shooting problem?"

A similar set of pressures has been faced over a shooting incident by police chiefs in Los Angeles, Birmingham, Miami, Oakland, Philadelphia, Chicago, and many other cities during the past several years. In this chapter, we will consider several of the techniques, procedures, and policies available to the chief to minimize occurrence of the phenomenon and to make handling easier if it does occur. We will outline the usefulness of formal administrative policy, training procedures, operational rules, and shooting review procedures in reducing the rate of deadly force by police officers. We will also address some of the forces which counteract the effective implementation of an effective organizational approach to control of the use of deadly force; we will consider, for example, the conflicts faced by the chief desiring at once to protect the lives of innocent citizens from abuse of police force and to maintain sufficient political support (both within and without the police department) to continue to administer his department effectively. The police association, for example, is likely, as discussed in Chapter to oppose virtually any imposition of a firmer, more restrictive rule or approach.

In our discussion of the administrative control of deadly force we will build on the arguments developed earlier. We have, in previous chapters, described the sequential (and complex) nature of decisions to use deadly force; we have argued that the bewildering array of personal

and situational forces that interact in armed confrontations makes the administrative control of police deadly force extremely difficult. In emphasizing the psychological complexity of the police decision to use or not use deadly force, we hope to have conveyed the exceedingly difficult judgment required of an officer required to implement almost any deadly force policy. This emphasis is illustrated by the comment of one police chief who perceptively observed, "You can attempt to control your department but you never can keep your officers from thinking and making judgments."

The difficulties of the administrative control of police deadly force are compounded by the reality that its use within the context of a democratic society by necessity poses powerful dilemmas. As a West German police officer interviewed by George Berkeley (1969) observed, "Democracy is awfully hard on the police." The officer continued, stating that, during the Nazi period Hermann Goring said, "When a policeman shoots, I shoot." In a democratic society, in contrast, there are forces to reduce shooting to the minimum level consistent with public order. Moreover, reviews of shooting may be open to public scrutiny, and there is always the threat of investigation by the press. This normally places a very demanding burden upon both the police officer and the police department.

These dilemmas are intensified by the occupational realities of policing. Street police work demands great organizational autonomy for its operatives (from patrol officers to commanders to detectives). Police departments are also by necessity highly cohesive social units governed more by informal norms, than by formal procedures. The

specific tasks of police work demand that its officers make rapid decisions (often irreversible ones), mostly with little direct supervision.

The task of controlling police deadly force is further compounded by both the actual danger faced by police officers and the officers' and general perceptions of such danger. Since 1968 more than 100 police officers have been killed in the line of duty each year. In addition, the media, police unions and various political forces have heightened public awareness regarding the risks to police officers of violent criminals. No police chief in the country can afford to control police use of deadly force at the expense of either police safety or, as important, the appearance of police safety.

The nature of the beast is such that it is possible to have a chief who feels deep moral concern about the use of deadly force in his department, but can do little to change matters.

Variation in Departmental Rates of Deadly Force

We expect it will come as a surprise to no one that there are pronounced differences over departments in the rate of use of deadly force. One of the early scholars in the area of police use of deadly force, Robin, reported such differences in 1963. His results are summarized in Table 7.1, using populations and numbers of officers as comparison bases.

Table 7.1

City	Rate of justifiable homicide per 1,000,000 pop.	Rate of justifiable homicide per 10,000 officers
Boston	.40	1.05
Buffalo	1.07	4.76
Milwaukee	1.32	5.50
Philadelphia	1.42	6.08
Washington	3.06	10.65

A recent article by Sherman and Langworthy (1980), comparing vital health statistics and "alternative sources for police homicides" (such as police or newspaper sources) similarly describes broad variations in police use of deadly force, whether the vital statistics or "alternative" sources are used. (See Table 6.3.) For example, using Sherman and Langworthy's "alternative" sources, Atlanta police killed 2.4 persons per year per 100,000 persons, while Honolulu (judged by the same type of data) killed but .07 persons per year per 100,000 population. This indicates that the frequency of police homicide in Atlanta was over 30 times more common than it was in Honolulu, on a population basis.

Obviously a complex array of social, political, and administrative factors influences the rate of use of deadly force in a particular police department. Two cities with identical populations may confront very different numbers of dangerous and armed offenders. Crime rates, arrest patterns, and local gun sale policies contribute to the hazard in a particular city or department and have an effect on deadly force rate. Administrative policy and shooting review procedure may similarly affect rate. While it is difficult to develop an agreeable standard by which to judge a police department's rate of shooting, it seems clear from existing studies that cities show broad variation in the rates of deadly force irrespective of how the number of shooting incidents are compared, e.g., by population, number of officers or other criteria.

Administrative Intervention and Changes in the Rate of Police Deadly Force

An indication of the importance of administrative policy in determining the rate of use of police deadly force may be found in examining changes in the shooting rate within cities that have experienced major

administrative changes related to shooting practices. Atlanta, New York and Newark were all, by means of administrative changes, able to effect drops in rates of police use of deadly force in their respective cities. Lee Brown, Public Safety Commissioner of Atlanta, for example, commented that following major policy reforms in 1975, the rate of deadly force sharply declined:

In Atlanta in 1971 there were 12 citizens killed by police; in 1972 there were eight; in 1973, 17; in 1974 there were 12; in 1975, seven; in 1976, five; in 1977, six; and this year to date there have been three.

For the number of people shot but not killed by the police during the same eight-year period, there are no data available prior to 1973. In that year, 51 citizens were shot by the police; in 1974 there were 22; in 1975 there were 19; in 1976, three; in 1977, one; and to date this year there have been four.

The work of Fyfe (1977; 1980) with the New York Police Department provides another important example of the impact of administrative reform on the rate of police deadly force. The creation of a shots fired review board in 1972 and a change in department shooting policy was followed by a substantial drop in the rate of deadly force. That effect and the subsequent patterning are shown in Table 6.4.

Table 6.3
 Mean Annual Deaths and Death Rates from Homicide by Police Officers
 Based on Vital Statistics and Alternate Data in 36
 Jurisdictions for Various Years from 1966 to 1976

City	No. of Years Compared	Mean No. of Deaths Per Annum		Mean Deaths Per 100,000 Pop Per Annum		Ratio of Mean Deaths Per Annum A/VS
		VS*	A**	VS	A	
1. Atlanta	4	6.25	10.50	1.41	2.37	1.68
2. Baltimore	2	3.00	8.00	0.34	0.91	2.67
3. Birmingham	4	1.80	6.00	0.63	2.10	3.33
4. Boston	2	2.00	2.50	0.32	0.40	1.25
5. Chicago	7	9.29	33.00	0.29	1.03	3.55
6. Cleveland	2	12.50	10.50	1.84	1.55	0.84
7. Columbus	2	2.50	2.00	0.46	0.37	0.80
8. Dallas	2	10.50	7.50	1.29	0.92	0.71
9. Denver	2	1.00	4.00	0.19	0.78	4.00
10. Detroit	3	15.67	29.67	1.13	2.14	1.89
11. District of Columbia	3	4.67	10.67	0.64	1.45	2.29
12. Honolulu	2	0.00	0.50	0.00	0.07	
13. Houston	2	0.50	15.00	0.04	1.14	30.00
14. Indianapolis	3	7.00	4.00	0.96	0.55	0.57
15. Jacksonville	2	0.50	5.50	0.10	1.05	11.00
16. Kansas City, Mo.	3	0.00	3.33	0.00	0.94	0.00
17. Long Beach	4	0.50	1.75	0.14	0.50	3.50
18. Los Angeles	4	7.50	21.25	0.27	0.76	2.83
19. Memphis	8	0.13	5.25	0.02	0.81	40.39
20. Milwaukee	2	1.00	3.00	0.14	0.43	3.00
21. Oakland	5	1.40	2.00	0.40	0.57	1.43
22. Philadelphia	11	9.45	14.18	0.50	0.74	1.50
23. Phoenix	2	0.00	1.50	0.00	0.24	
24. Portland	4	0.75	1.00	0.20	0.27	1.33
25. San Antonio	2	1.00	3.00	0.13	0.40	3.00
26. San Diego	4	2.00	1.25	0.28	0.17	0.63
27. San Francisco	4	2.25	3.25	0.32	0.46	1.44
28. San Jose	4	2.00	1.50	0.41	0.31	0.75
29. Seattle	2	1.00	3.50	0.20	0.70	3.50
30. St. Louis	2	4.00	6.50	0.72	1.16	1.63
31. Sacramento	4	3.00	2.00	1.14	0.76	0.67
32. New York County	5	5.00	24.80	0.34	1.70	4.96
33. Bronx County	5	5.80	14.00	0.14	0.98	2.41
34. Kings County	5	13.40	13.00	0.54	0.52	0.97
35. Queens County	5	3.60	8.20	0.18	0.42	2.28
36. Staten Island	5	0.60	1.00	0.19	0.32	1.67
(New York City Total)	(5)	(28.40)	(61.60)	(0.37)	(0.80)	(2.17)

*VS = Vital Statistics

**A = Alternate Source of Data

Table 6.4

Shots Fired Wounding of Persons, and Fatalities
by New York Police Officers

<u>Year</u>	<u>Shots Fired</u>	<u>Woundings</u>	<u>Fatalities</u>	<u>Annual Reduction/ Increase of shots fired</u>
1973	556	121	54	-29.5%
1974	470	109	56	-15.46%
1975	439	97	41	-6.5%
1976	374	86	42	-14.80%
1977	414	98	49	+10.6%
1978	372	80	41	-10.1%
1979	364	72	30	- .2%

While there are confounding factors from year to year (e.g. changes in crime rate, number of employed police officers, etc.) the almost steady decrease from 1972 makes an alternate explanation much less reasonable. Fyfe (1979) writes: "One question is asked whether fire-arms policies are effective--are they effective in reducing the incidence of police use of deadly force? In New York City the policies did reduce the use of deadly force significantly. Prior to the guidelines, 18.4 New York City police officers were shooting their guns every week. Following the promulgation of the guidelines, that declined to less than 13 per week."

Other cities have experienced notable declines in the rate in which deadly force is used. Kansas City, Mo. has decreased in police shooting incidents from 40 per year to 17 per year. Los Angeles has decreased in killings of civilians from 33 in 1976 to 14 in 1979. Newark, New Jersey has decreased its fatality rate from an average of 8 per year (from 1967-72) to an average of less than 2 per year under the administration of Hubert Williams (1974-80). Shots fired at persons were reduced from 72 in 1971 to 19 in 1977. Other cities which have reported steep declines in the rate of deadly force include Detroit, Washington, D.C., and Seattle.

There is the possibility that these declines in deadly force are related to extraneous factors such as declines in population, number of officers or crime rate needs to be rigorously examined, but this possibility seems unlikely given the available data.. While population has steadily declined in many of these urban areas, crime rates have either remained constant or risen in each case. In some cities the total number of officers has slightly decreased due to financial constraints;

however, the average workload per officer and the per officer contact rate with violent persons has probably increased.

Management Strategies to Control Police Deadly Force

In thinking about strategies to control use of deadly force by police officers, one must consider the nature of police decisions to use deadly force as well as the array of methods available to regulate these decisions. As we emphasized in Chapter Five, the decision to use deadly force often occurs with extreme suddenness, under unprepared conditions. Police deadly force decisions are most often made under emotionally stressful conditions in which it is most difficult to distinguish appearance from reality. Also, police officers are very varied in terms of their moral outlook and the psychological skills they bring to a confrontation. Finally, a use of deadly force is by nature an irreversible decision.

Organizational theory suggests that it is difficult to ensure compliance with policy guidelines aimed at regulating an activity that requires a complex judgment on the part of trained personnel. While it is relatively easy to attain compliance when activities are routine, as in production-line work, activities that require complex judgment and decision making, as those of a lawyer or surgeon, are far more difficult to control. In these judgment-dependent activities, only actions which are grossly negligent, for example, those actions for which virtually no justification may be found, typically will be subject to direct administrative sanctions. One reason for the difficulty is the organizational necessity to protect the decision-maker from unfair after-the-fact evaluations which may not take into account the context in which the

judgment was made. That factor was discussed earlier when a distinction was made between reasonable and right decisions.

Etzioni (1969) suggests three models of organizational control:

1. coercive,
2. instrumental,
3. normative.

Coercive control emphasizes intensive scrutiny and draconian punishments for non-compliance. Instrumental control implies product and performance in monitoring and achievement for rewards. Normative control achieves compliance through intensive socialization and indoctrination rather than direct monitoring and sanctioning. Most organizations requiring complex judgments by key personnel will use either instrumental or normative methods of control. A corporation division head, for example, will be evaluated by the profitability of his division, as determined by a rigorous audit of his division's finances. Other professionals such as physicians, professors and lawyers (and even S.S. commanders--Etzioni's example), are typically controlled more through adherence to a common normative ideology. What Etzioni calls semi-professions, such as social work, policing and school teaching, frequently employ more coercive techniques to ensure compliance, when appropriate behavior is defined and compliance is considered important by the organization. It is important to note in this context that what may be considered important to outside observers is not necessarily important to policy-makers in the organization..

Law enforcement officials rarely publicly articulate the strategies they use to ensure officer compliance to departmental rules. It should also be noted that the chief's stated approach to dealing with his own

troops may be startlingly different from those he applies to the larger society - both criminals and other citizens. Thus, one very "liberal" chief who demonstrated great public concern for the civil rights of citizens was a notorious martinet in terms of ensuring officer compliance to departmental rules (including adherence to "hair-cut" standards). A hard-line public law and order chief, on the other hand (in charge of a huge city police department), initiated few disciplinary actions against officers - including those charged with serious abuse or negligence.

In any event, the point is that broad management strategies for controlling deadly force must often be inferred and the inferential process is fraught with risk. The following constructions are, thus, to be understood as approximations, although they do have similarities to more general typology of organizational control (see, e.g., McGregor, 1960 and Argyris, 1975).

Strategy A: "Severe and Punitive Sanctions"

This strategy assumes that the individual police officer is scarcely more governable than the criminal he is supposed to arrest. One chief summed up his shooting policy by indicating that "Any guy who makes a mistake gets his ass." Officers found violating shooting guidelines will often be fined or suspended or, more commonly, fired, or even referred for prosecution. A bit of Hobbesian thinking may be found in the defense of this strategy to control police deadly force. One internal affairs lieutenant commented, "These guys if you let them run wild, you would find dead bodies all over the streets. You have to show them who's in charge." Fear of the internal affairs department is an

integral part of this administrative strategy. One seasoned officer described the head of internal affairs in his department "as the scariest thing since Godzilla!" Another internal affairs chief was described "as being so scary even the chief is afraid of him."

Strategy B: "The Marginal Utility of Control"

This strategy is far more often practiced than preached. It is charitable in its views toward the line police officer, suggesting that if armed officers confront armed citizens often enough, some citizens will inevitably be killed by police officers. Errors from this point of view are seen as regrettable, but largely unpreventable. One assistant chief frankly suggested that, "if I did all the things the liberals wanted me to do, then maybe I'd save one life" (of the roughly 20 lives lost due to the police use of lethal force each year in his city). Management control using this approach is achieved by following "standard" procedures. All shootings are investigated; few result in serious disciplinary actions or legal charges against the officers. Strategy B officers in internal affairs tend to be rather sympathetic with "the street" realities of patrol officers. In a few of the Strategy B cities we reviewed, the head of the shooting review board was also the head of the S.W.A.T. unit. Internal affairs officers tend to view many of the shooting cases before them as either "righteous" or, at worst, "questionable but acceptable." One head of a shooting review board noted that most of his cases involved "bad guys with guns." What do you expect the guy to do, put flowers in the "bastard's teeth."

Strategy C: "They Have to be Taught"

This strategy emphasizes, as one would guess, the role of training and education in the control of police deadly force. This strategy suggests that the officer is faced with a decision that few men can be expected to implement successfully without a great deal of support, supervision and training. In one city, the chief mandated monthly shooting qualification of officers in both "silhouette and standing" situation shootings. This department offered officers no fewer than five programs which related at least in part to the use of deadly force. These included a complex shoot/don't shoot program; a program in crisis intervention skills; stress-management seminars; a class on "legal aspects of force"; and finally a class "on non-lethal force and emotionally disturbed persons." In Strategy C departments, officers involved in ambiguous or "controversial" shooting situations are more often assigned to retraining than they are disciplined. The head of a shooting review board characteristically observed that his "tactical reviews" were immediately "recycled" into the training program to correct future "tactical, psychological, or legal mistakes."

Strategy D: "Stepping Back"

This implicit strategy is far less sanguine about the malleability and trainability of the police officer than is Strategy C. The way to control police shootings is to avoid the types of situations which are likely to produce controversial use of deadly force. Policies are both defensive and reactive. "Problem Officers" are given desk jobs; risky chases are broken off; field commanders in the field lecture on their particular "aggressive practices." S.W.A.T. teams are called in

whenever possible; pursuits are discouraged; and controversial encounters are avoided. When shooting incidents do occur they are reviewed somewhat defensively. One internal affairs captain admitted that "We don't normally do any investigation unless there is a complaint." Another internal affairs sergeant observed that "We try to keep things as quiet as possible; that's the message we get from above--don't make waves unless you have to."

This four-part typology, of course, suffers from all of the limitations of similar efforts to conceptualize types of police administrations or functions (see Wilson, 1968, for example). Many departments, in fact, use multiple strategies in controlling their officers' use of deadly force. Also, this typology of organizational control strategies ignores the relationship of the type of strategy used to control police deadly force to broader departmental style. For example, Strategy D ("Stepping Back") would be expected in a department with what Wilson calls a "watchman" policing style; similarly Strategy C, emphasizing training, seems consistent in a department with a "service" orientation; finally Strategies A and B would be expected in departments with what Wilson (1968) might term legalistic orientations to policing.

Even a preliminary typology like that offered above, however, is useful in emphasizing the diversity in attitude in the control of police deadly force. Nelman (1973) and Williams (1980), among others, have suggested that it is the overall tone of a department that determines the scope of management mechanisms used to control police deadly force (e.g., guidelines, training, operational rules, review procedures, etc.) and possibly (controlling for other factors) the frequency with which

officers in the department will use their guns against citizens. One chief argued this position as follows:

It's not so much training or guidelines or any specific measure. Rather it is the attitude the chief executive takes towards the problem. You will find, for example, many departments with similar sounding paper policies having very different operational policies and also will find very different shooting rates. It's something else! It's the whole approach the top guy takes to the problem. Whether or not he's serious about what they do with those guns.

Specific Policies Designed to Control Police Deadly Force

Recently, attention has been focused upon specific administrative mechanisms which might reduce the rate of police deadly force. Chapman (1967) has argued that each police department should develop a specific shooting policy that systematically encompasses all relevant components in a unified package. The development of that sort of policy, he believes, should take into account the social, legal, personnel and demographic realities unique to the particular police department. It should include specific provisions for:

1. guidelines,
2. training,
3. operational rules and procedures,
4. shooting reviews.

We will review each of these four provisions of a systematic policy to control deadly force, attempting to conceptualize the ways in which each contributes to the end result. We will also explore some recent

innovations in each area and focus upon some of the difficulties implicit in each mechanism.

1. Guidelines

One administrative means of controlling police use of deadly force may be found in shooting guidelines used to restrict police shooting to specific situations. Such guidelines are most often more specific and restrictive than statute law.

As recently as 1970, many departments had no guidelines beyond such truisms in personnel manuals as "Leave your gun in your holster until you intend to use it." But that has changed considerably over the last decade. A survey by the I.A.C.P. in 1980 found that every department that responded to its questionnaire had a written policy, and many of these policy statements contain moral, ethical and constitutional discussions as well as specification of when it is appropriate and acceptable to shoot. The 1977 Los Angeles Police "Use of Firearms Policy" below, for example, provides a model of a comprehensive, intelligible, yet sufficiently open-ended policy. It replaced a far more ambiguous and open-ended policy allowing the shooting, for example, of any type of fleeing felon. This document was created following a series of shootings with political repercussions. The policy reflected intensive study, dialogue and compromise among various functions and between the department and its constituency. The availability of such a document makes public the expectations and standards of the department while preserving freedom of interpretation for the officer. This type of document also articulates a general departmental "philosophy" regarding the use of deadly force.

Policy:

1. PREAMBLE TO THE POLICY ON THE USE OF FIREARMS. The use of a firearm is in all probability the most serious act in which a law enforcement officer will engage. It has the most far-reaching consequences for all of the parties involved. It is, therefore, imperative not only that the officer act within the boundaries of legal guidelines, ethics, good judgment, and accepted practices, but also that the officer be prepared by training, leadership and direction to act wisely whenever using a firearm in the course of duty.

A reverence for the value of human life shall guide officers in considering the use of deadly force. While officers have an affirmative duty to use that degree of force necessary to protect human life, the use of deadly force is not justified merely to protect property interests.

It is in the public interest that a police officer of this Department be guided by a policy which people believe to be fair and appropriate and which creates public confidence in the Department and its individual officers.

This policy is not intended to create doubt in the mind of an officer at a moment when action is critical and there is little time for meditation or reflection. It provides basic guidelines governing the use of firearms so that officers can be confident in exercising judgment as to the use of deadly force. Such a policy must be viewed as an administrative guide for decision-making before the fact and as a standard for administrative judgment of the propriety of the action taken. It is not to be considered a standard for external judgment (civil or criminal litigation) of the propriety of an action taken. This is a matter of established law and also a process for courts and juries reviewing specific facts of a given incident.

- II. NECESSITY THAT OFFICERS BE ARMED. As long as members of the public are victims of violent crimes and officers in the performance of their duties are confronted with deadly force, it will remain necessary for police officers to be properly armed for the protection of society and themselves.
- III. REASON FOR THE USE OF DEADLY FORCE. An officer is equipped with a firearm to protect himself or others against the immediate threat of death or serious bodily injury or to apprehend a fleeing felon who has committed a violent crime and whose escape presents a substantial risk of death or serious bodily injury to others.
- IV. PROTECTION OF GENERAL PUBLIC. Regardless of the nature of the crime or the justification for firing at a suspect, officers must remember that their basic responsibility is to protect the public. Officers shall not fire under conditions that would subject bystanders or hostages to death or possible injury, except to preserve life or prevent serious bodily injury. Firing under such

conditions is not justified unless the failure to do so at the time would create a substantial immediate threat of death or serious bodily injury.

- V. MINIMIZING THE RISK OF DEATH. An officer does not shoot with the intent to kill; he shoots when it is necessary to prevent the individual from completing what he is attempting. In the extreme stress of a shooting situation, an officer may not have the opportunity or ability to direct his shot to a non-fatal area. To require him to do so, in every instance, could increase the risk of harm to himself or others. However, in keeping with the philosophy that the minimum force that is necessary should be used, officers should be aware that, even in the rare cases where the use of firearms reasonably appears necessary, the risk of death to any person should be minimized.
- VI. THE USE OF DEADLY FORCE. An officer is authorized the use of deadly force when it reasonably appears necessary:
- A. To protect himself or others from an immediate threat of death or serious bodily injury, or
 - B. To prevent a crime where the suspect's actions place persons in jeopardy of death or serious injury, or
 - C. To apprehend a fleeing felon for a crime involving serious bodily injury or the use of deadly force where there is a substantial risk that the person whose arrest is sought will cause death or serious bodily injury to others if apprehension is delayed.

Officers shall not use deadly force to protect themselves from assaults which are not likely to have serious results.

Firing at or from moving vehicles is generally prohibited. Experience shows such action is rarely effective and is extremely hazardous to innocent persons.

Deadly force shall only be exercised when all reasonable alternatives have been exhausted or appear impracticable.

- VII. JUSTIFICATION LIMITED TO FACTS KNOWN TO OFFICER. Justification for the use of deadly force must be limited to what reasonably appear to be the facts known or perceived by an officer at the time he decides to shoot. Facts unknown to an officer, no matter how compelling, cannot be considered at a later date to justify a shooting.
- VIII. SUSPECTED FELONY OFFENDERS. An officer shall not fire at a person who is called upon to halt on mere suspicion and who simply runs away to avoid arrest. Nor should an officer fire at a "fleeing felon" if the officer has any doubt whether the person fired at is in fact the person against whom the use of deadly force is permitted under this policy.

- IX. YOUTHFUL FELONY SUSPECTS. This Department has always utilized extreme caution with respect to the use of deadly force against youthful offenders. Nothing in this policy is intended to reduce the degree of care required in such cases.
- X. SHOOTING AT FLEEING MISDEMEANANTS. Officers shall not use deadly force to effect the arrest or prevent the escape of a person whose only offense is classified solely as a misdemeanor under the Penal Code.
- XI. FIRING WARNING SHOTS. Generally, warning shots should not be fired.
- XII. DRAWING OR EXHIBITING FIREARMS. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm in conformance with this policy on the use of firearms.

Other departmental policy statements are far less comprehensive, restrictive, and clear than that of the Los Angeles department. But no modern ones are like the one reported by Chapman (1969) which consisted of the not-too-useful aphorism, "Never take me (i.e., your gun) out in anger, never put me back in disgrace." The city of Charlotte (North Carolina) Police Department's statement below as an example of a rather "terse" and almost incomprehensibly open-ended departmental shooting guideline:

DEADLY FORCE

1. The officer may use only that amount of deadly force which is reasonably necessary. If a peaceful means is at his disposal and would serve as well, he must use it. If another means exists for dealing with the situation, it must be used.
2. The officer may use deadly force.
3. The officer is justified in using deadly force only when reasonably necessary.

V. PUBLIC SAFETY

- A. WARNING SHOTS: The danger to innocent bystanders must be taken into consideration.

B. CALL FOR ASSISTANCE: The rules pertaining to warning shots apply except if there is no other way to summon assistance.

C. MOVING VEHICLES:

Summary: When discharging a firearm, an officer must consider the lives and safety of others.

The effectiveness of restrictive guidelines has been well documented in a series of recent studies. Meyer (1980) has shown that the implementation of the restrictive Los Angeles guidelines (given above) has had a major impact upon the use of deadly force by police personnel since their adoption. Meyer writes:

Commencing in 1978, there was a substantial decrease in persons shot (hit) and persons shot fatally. The number of persons actually shot -- that is, hit -- changed little prior to 1978, and the number of persons shot fatally did not decline prior to that year. The number of persons shot increased through 1976; the number shot fatally increased through 1977. About 80 persons per year were shot from 1974 through 1977. This number decreased to 63 in 1978 and 61 in 1979. About 30 people per year were shot fatally from 1974 through 1977, but the number of shooting fatalities dropped to 20 in 1978 and 14 in 1979.

TABLE 3: TOTAL PERSONS SHOT (HIT) AND PERSONS SHOT FATALLY BY YEAR

	<u>1974*</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>
Total number shot (hit)	75	81	84	74	63	61
Number killed	26	30	30	33	20	14

*Includes SLA shootout (4 shot, 2 killed by LAPD bullets.)

Similar results have been found to follow implementation of more restrictive guidelines in other cities, as noted above. To repeat Fyfe's (1978) findings, for example, the promulgation of a new general order regulating deadly force saw a dramatic decline of deadly force by New York police officers during the next several years:

In August of 1972, the New York City Police Department promulgated guidelines which emphasized the value of life and declared the police revolver to be a device "for personal protection against

persons feloniously attacking an officer or others at close range." This directive, T.O.P. #237, also generally proscribed warning shots, shots to summon assistance, shots which endanger innocents, and shots at or from moving vehicles. It also provided for stringent investigatory and reporting requirements and established a top-level review board to review and adjudicate all police firearms discharges.

The effects of this order on police shootings in New York City were dramatic, immediate, and continuing. During the 5-year period 1971-1975, which was the subject of my research, 14.7 New York City police officers fired their guns every week. Dividing those 5 years at the effective date of T.O.P. #237, however, shows that this average is deceptive: before T.O.P. #237, 18.4 officers fired their guns every week; after T.O.P. #237, that number declined to 12.9.

Before T.O.P. #237, New York City police shot and wounded 3.9 people every week; after T.O.P. #237 that figure decreased to 2.3. Before T.O.P. #237, New York City police shot and killed 1.6 persons every week; after T.O.P. #237, that figure decreased to 1.0. During the 2 years and 9 months between the end of my study and September 1, 1978, that figure has further declined to .6 citizen deaths per week.

In Seattle, a reduction from 20 shooting incidents per year to fewer than ten followed the creation of a more restrictive shooting policy. Changes in shooting guidelines in both Detroit, Michigan and Washington, D.C. seemingly reduced the rate of deadly force by roughly 40% in Detroit and 35% in Washington, D.C.

It is uncertain whether the reductions stem entirely from the restrictions on the types of situations in which deadly force may be used (for example, not against a felon fleeing from a property crime), or there is an attitudinal change with impact upon shootings within the self-defense justification category, and similar allowed categories, not directly affected by the change in guidelines.

Several critics have emphasized that limitation in their comments about deadly force guidelines. It has been noted by Berkeley, 1969; McKiernan, 1973; Rubinstein, 1973, and others, moreover, that as emphasized by many police officers and their associations, policy state-

ments that are too encompassing may inhibit police functioning and endanger the police. And a review of guidelines by Gigliotti (1977) suggests that some are even more confusing than the state justification statutes (e.g., "Officers should not be allowed to fire at felony suspects when lesser force could be used; when the officer believes that the suspect can be apprehended reasonably soon thereafter . . . "). He ironically observes that "to apply the necessary permitted force is a feat rivaling the Amazing Kreskin (a noted mindreader of some repute) . . . ". While shooting guidelines may reduce the discretion to shoot, they will not do away with the need to process information, evaluate it and decide whether or not to shoot on the basis of a multitude of factors.

Even police departments that have specific administrative shooting guidelines frequently allow the officer broad latitude in deciding when to shoot. As we observed in Chapter Four, police officers shoot in only a small percentage of the instances in which they are legally or administratively justified in doing so. Similarly, Kaplan's (1980) report regarding the Los Angeles police suggested that guidelines simply define an outer circumference of what is administratively defensible, and that the circumference is large even when the guidelines are strict. The police officer still has the burden of distinguishing "between a shooting that is necessary and one which is legally allowable." The "tightest" of guidelines, thus, allows the shooting of a relatively large number of persons if officers were to shoot in nearly all situations where they were administratively permitted to shoot. In addition, restrictive guidelines may create conflicts between statute and administrative definitions of permissible deadly force. In Long Beach v.

Peterson, the courts ruled that the city of Long Beach could be held civilly liable to the standards set in its administrative guidelines. The decision stated that a city could be sued if it failed to meet the stringent standards set in its public guidelines. This, as one California chief observed, created a dilemma between a "city's conscience" and its "pocketbook." The chief went on to observe that "the formulation of restrictive guidelines might cost his city 10 or 20 million dollars over the next several years." Other cities (for example, San Jose, New York, and Los Angeles) have been sued by police unions demanding that these departments return to less restrictive state shooting statutes.

In summary, while restrictive guidelines do indeed reduce shootings within their specified domain - as, for example, no shooting at felons fleeing after burglaries - they are of much more limited use in a broader range of situations - as, for example, when people are, or may be, in danger.

2. Training

Training is another obvious mode of control. We will consider several aspects of police training that carry implications for the use of deadly force.

The first of these is actual shooting. It is widely believed that existing training offered in the area of technical shooting is inadequate. Most departments simply offer static target shooting during pre-service training, supplemented by periodic (semiannual, quarterly, or monthly) requalifications. Often such technical shooting is conducted in a manner that is totally divorced from any possible street conditions; for example, shots will be fired at static targets in daylight more than 60 feet away. Typically, officers will fire 20 or more shots

at paper targets on command of the training officer. Such training may be supplemented by "double action" firing (two shots at a time) or a shotgun course. Critics point out that such range shooting does not prepare officers for real life armed confrontations. For one thing, realistic levels of stress are certainly absent from such training exercises. Observations of officers who had achieved high scores in static training revealed that accuracy scores tended to plummet dramatically when the men were harrassed by range officers or after they ran 100 yards.

Further, officers will often practice shooting while firing from an arm rest in a static position. As one officer who had been involved in several shootings sarcastically commented, "It's completely unrealistic, a police Disneyland. You have time to set up; no one is trying to kill you and you aren't completely stressed out from six other insane assignments. Also you're not moving and the target's not moving. Otherwise the training is fantastic here."

It should be noted that in many departments, training of all sorts is relegated to the position of a very low priority activity. "Roll-call" training may be terminated when there is almost any sort of competitive need. And officers who fail to "qualify" (at their periodic shooting trials) are often simply returned to duty. Also, many cities, faced with severe budget cuts, have chosen to curtail or suspend some training activities.

Some cities have made intensive efforts to improve training related to deadly force. First, several police departments in the past few years have developed new approaches to train officers in rapid shooting judgments. The Riverside (California) Police Department has developed a

quick perception reaction shooting program called "shoot/don't shoot." The approach was described in a "60 Minutes" television program and has been adapted as a major film training program by Motorola (1976, 1979), which is widely used in both medium-sized and large departments.

The Riverside Police Department's "shoot/don't shoot" program is conducted in an indoor training range. Each officer in the department must qualify monthly in the program. A film is projected on a blank sheet of paper placed at a distance of roughly 10 yards from the officer, presenting the officer with a dramatized shooting encounter. The range master instructs each of a pair of shooters to fire his or her weapon only when necessary, consistent with the laws of the State of California and the guidelines of the Riverside Police Department. The officers are then placed in darkness in their shooting stalls; told to load their weapons and are presented with a brief film vignette (roughly 1-4 minutes) portraying a possible shooting situation, projected on the paper target.

In one such situation, the officer is confronted by a group of three Hispanic men who first hesitate upon an order to halt and then turn and raise a concealed pistol at the officer. A related scenario shows an irate housewife who quickly draws (and fires) a concealed pistol at the police officers viewing the file. Another shows a man "hovering" over a man who has been shot in the head. This man who is holding a pistol turns out to be a neighbor who has found his friend shot and has naively picked up his gun. In another vignette, police officers respond to a "burglary in progress" in a convenience store. An older man turns quickly towards the officers slowly and somewhat incoherently explaining that he is the manager of the store. Another

situation portrays a "robbery in progress" call in a variety store. The officers observe a black soldier in front of the counter and a pretty (and white) female behind the cash register. The black soldier turns out to be the victim of the robbery. The female perpetrator rapidly points her weapon and fires at the officers. In each simulation the officer must choose when to fire and must fire with sufficient accuracy to hit the appropriate target projected upon the paper screen.

Officers observed participating in this training exercise made several errors repeatedly; several were outgunned by the opponents on the screen; others shot with little accuracy. Also, there were several innocent citizens shot by the trainees. (In one simulation, we saw an innocent victim shot by each of six officers we observed go through the training.) One simulation showed a "reported" armed person near a railroad trestle. The trainee encounters (on the film) a somewhat disoriented young man who ignores all orders to halt. Suddenly, the rangemaster fires from the darkness to simulate an unexpected real shot being fired in a tense situation. In each training session we observed, the officers in training began firing almost instantaneously with the rangemaster. The disoriented young man turns out to be a deaf mute who was reaching for a wallet with a card which read "I AM DEAF AND DUMB." One lieutenant who shot the man through the head exclaimed as he walked forward in the darkness to observe his score: "Oh, my God, I probably shot a cop," obviously realizing the gravity of his reflexive response.

An improvement of the "shoot/don't shoot" approach has been developed by September and Associates, located in Tukwilla, Washington. The company has developed a computer-synchronized slide tape simulator which is adaptable in that sequences of slides can be altered and speeded up

or slowed down. The simulator, for example, can diagnose an officer's "early" or "late" response to a simulated shooting situation.

The September and Associates training simulation begins with the officer placed in the dark of the Washington State Criminal Justice Academy training range. The trainer hands a young recruit a .38 "short special" loaded with blanks and tells him, "to react as you would on the streets." The trainer seeks to instill enough tension in the trainee to "simulate at least some of the tension of an armed confrontation". The trainee is then placed in total darkness awaiting the start of the simulation.

Finally, a dispatch like the following is heard in the dark: "Robbery in progress, black male with shotgun - 7012 77th street." All of a sudden, five slide projectors acting sequentially portray a police car slowly approaching a 7-11 store. As it arrives, a young robber runs towards the officer from the 7-11 store with what appears to be a sawed-off shotgun and immediately turns toward him. The officer who was undergoing the training, during one of our observations, fired at slide 76 when the robber leveled his gun at him. At frame 78 the "armed robber" shoots. "Good," says the trainer, "you got him." When, in a follow-up scenario, the trainee delayed firing (perhaps distracted by a pretty girl who ran across the 7-11 parking lot), and was "shot" in frame 104 while responding in frame 105, the training officer observed, "Well, next time shoot a bit quicker - but, ok."

The September and Associates group has further attempted to develop scenarios which closely correspond to actual armed confrontations. One technique for this purpose involves developing computer simulations of videotapes of actual police/citizen armed confrontations. The group

also has attempted to assure that such factors as lighting, duration of the incident and distance between police officers and citizen correspond to the realities encountered in actual shooting incidents.

Another program which is seemingly very responsibly conceived, but uses no unconventional technology, is the New York Police Department's outdoor range program. The attempt is to make shooting simulations correspond to actual street conditions. If reported shootings over a six-month-period take place in alleys which are three yards wide, then the New York outdoor range simulations correspond to that type of physical condition. Similarly, shooting distance, race of opponent, time frame and other dimensions all are made to correspond to observed patterns in recent police/citizen shooting encounters.

The Riverside, Seattle and New York shooting programs obviously reflect major advances over static range firing. There is some evidence that such programs have influenced the police shooting rates in the cities which have widely adopted them. New York shootings have declined since 1973, and the shooting program seems partly responsible. The Riverside Police Department has documented a reduction in shots fired per incident.

Various police departments have developed interesting extensions of training related to the use of deadly force. In Rochester, New York, police officers receive eight hours of training in the "ethics of the use of deadly force." In New York City, trainees receive instruction in "legal training related to police use of deadly force." In these programs, officers discuss "grey" areas in the law, as well as the policy and practice of the use of deadly force. In the New York program, the recruits receive indoctrination in the legal philosophy

underlying the city's use of deadly force guidelines; recruits discuss shooting incidents in which the city shooting guidelines are ambiguous. Past cases in which the use of deadly force was either appropriate or not are carefully analyzed and discussed. In one New York police training class we observed, the recruits discussed a case in which an officer had been knifed by a crazed man. His partner shot the man while he was fleeing from the scene (after the assailant dropped his knife). He justified his decision on a little used "imminent peril" clause in the New York State statute; this allows for the use of deadly force against unarmed persons when they present "imminent peril" to others. The recruits, in an animated way, discussed a variety of cases involving the imminent peril clause and the types of situations where a decision to shoot would be either justified or not.

A related training program was developed by one of the authors (Scharf, 1980). Two teams of ten police officers received 36 hours of training discussions about the moral implications of hypothetical shooting situations. Officers in one simulated situation were given an order to report to a building where they met a "neighbor," (actually a plainclothes officer) who was reporting a family disturbance. This "neighbor" told them that a man "inside the house was about to kill his wife." After the trainees resolved the simulated situation (some by shooting the man, others not) a discussion followed regarding the decision each officer made and the justification for it.

Another very important, but often neglected, type of training involves tactics likely to reduce the risk of armed confrontation. As

Rubinstein (1973) observes in the example below, poor tactics often contribute to an officer shooting in an armed confrontation.

From a purely technical point of view the patrolman had initially made an error by failing to close the distance between himself and the suspect, allowing himself no alternative but to leave or to use his gun. If he had charged the man immediately he might have avoided the chance of a more serious incident.

This type of "street savvy" is very difficult to teach but a few departments have attempted sophisticated tactical training programs with varying success. The New York tactical training program uses cases in which training is either controversial or leads to increased hazards for the officer. One case (mentioned by the trainers as stimulating productive and apparently useful discussion) illustrated what the trainer called a "mass reflective response" to an armed confrontation:

Two officers on foot patrol were advised by a civilian that a movie theater was being robbed. The officers cautiously approached the theater and the suspect, who was in the manager's office, heard them knock on the door and announced that he was coming out with the manager. The officers then radioed for help as the suspect left the manager's office and entered the theater's ceramic-tiled lobby with the manager at gunpoint. Eighteen foot and motor patrol officers responded to the call for help and confronted the suspect in the lobby which faced directly upon the street. As they took up various positions on the street, the patrol supervisor entered the lobby, holstered his gun and tried to coax the suspect into surrendering. The patrol supervisor suddenly lunged at the suspect, and both fell to the floor. As both began to rise, seven of the officers fired 31 shots at the suspect, who had his gun in hand. The perpetrator fell, instantly killed by multiple gunshot wounds. The patrol supervisor suffered five gunshot wounds in his left arm and both legs. Four of the other officers present were also struck by bullets which had apparently ricocheted off the lobby's tiled walls. One officer was hit in the right arm, the second in the

right thigh, the third in the left side and right leg, and the fourth in the left cheek. The suspect's gun was recovered fully loaded.

The trainer offered suggestions as to how tactical errors created "an over-response to the situation" and entertained ideas from the officers how the situation might have been tactically avoided.

In many cities, special units are given ongoing tactical training regarding barricaded suspects and hostage negotiations. Difficult "problems" are staged and officer responses to these problems are scrutinized and corrected. Often when time permits, officers, preparing for a particularly dangerous armed raid, will rehearse the tactical plan prior to the raid. Possible contingencies are discussed in advance and plans are made to prevent officer-to-officer cross-fire or unnecessary exposure to fire from opponents.

Such tactical training attempts to influence officer decision-making well prior to the actual decision to shoot. This we argued in Chapter Four is essential for a successful outcome to many armed confrontations. The efficacy of such training (whether formal or informal) is reflected in the observation by many police officers that "prepared" armed confrontations (in which training and behavioral rehearsal is possible) produce relatively few actual shootings compared with unprepared confrontations (where little preparation or training is possible). The usefulness of such training is further indicated in the relative rarity of shootings compared to the overall rate of armed confrontations of units which are given intensive tactical training such as LAPD's SWAT Team, NYPD's "Street Crime Unit" and Newark's "Target Red."

Most tactical training is conducted informally through peer supervision and often through debriefing contacts with armed citizens. It

might be hypothesized in this respect that officers in units which have long experience in working together (presumably thus developing tactical plans to meet most situations) and high contact rates with armed persons, over time will reduce the risk of shots being fired in any particular armed confrontation. This hypothesis (if confirmed) would indicate that coping with armed confrontations is a trainable skill involving complex tactical and strategy techniques which are trainable through experience.

Another type of training teaches officers the interpersonal skills likely to avoid dangerous conflicts with agitated citizens. Such training is of course most relevant to armed confrontation with an extensive "information exchange" with the opponent (e.g., a family disturbance encounter). In Fresno, California, police officers participate in role-playing exercises (with Chicano actors) simulating a Mexican wedding. In New York City, officers learn skills useful in dealing with disputes involving a wide range of the city's polyglot of ages, races and cultures. This type of training focuses upon the interpersonal skills necessary to avoid at least some shooting confrontations. Bard's (1980) training experiments sought to teach officers the skills and tactics likely to reduce the possibility of "unnecessary" escalation of conflict which might lead to a police use of force. Crisis intervention skills and non-lethal martial arts are taught in many police departments. The Honolulu Police Department with a very low shooting rate offers recruits many hours of training in advanced martial arts. There also has been effective use of simulations, often staged by professional actors (see Bard, 1979; Liebman and Schwartz, 1974), to train officers in techniques to cope with violent citizens.

New York's Social Science training program offers an example of a well-thought-through police crisis intervention program. Recruits receive training in the psychology of violent persons and advice as to how to deal with emotionally disturbed persons. Specific techniques are taught to "shape down" violent and psychotic or paranoid persons. Transactional Analysis is taught as a means of understanding and avoiding violence using communication strategies to defuse violent encounters through assertive commands, distractions and even humor. The trainees learn this strategy through lectures, role-playing and peer assessment of videotapes illustrating different strategies to defuse violent encounters.

It is obvious enough that no amount of training, no matter how sophisticated, will reduce unnecessary shootings to zero. There are, for example, many situations encountered by police officers in armed confrontations for which no training presently exists. Thus, while nearly one-fourth of all shootings are encountered by "off-duty" officers, virtually no means exists to train officers in the responses appropriate to the unique dynamics of off-duty armed confrontations. And a limitation in even the best training is found in what might be called the questionable "hidden curriculum" (or latent value assumptions) of some training programs. The "hidden curriculum" might suggest to the young officer attitudes, regarding use of deadly force, quite different from those he might encounter in the department's training manual. For example, we observed one trainer in a department with an uncomfortably high police shooting rate deliver a lecture on the "legal aspects of deadly force" commenting (as an aside) to the recruits:

Now, of course, what we tell you in here is the theory of it; if you are in an alley with some prick with a .38, just make it look like he went for you. I won't ask any embarrassing questions.

Similarly, field supervisors can convey to an officer an attitude towards deadly force which may not be congruent with the department's training manual - but may have as important an impact. One young detective was observed leaving a briefing in which he was ordered to transport a dangerous prisoner to a county jail. The captain, we were told, explained the assignment to the officer while he rotated the barrel of his revolver (perhaps for emphasis, concluding his speech by saying, "Now Smith, remember - don't lose the son of a bitch"). It would seem reasonable to assume that this "briefing" constituted as important a "training experience" for the young detective as did the forty-odd instruction hours on the "legal and ethical dimensions of deadly force" he received at his local training academy. It might also be added that because of such value conflicts (and also technical limitations in existing training approaches), training in itself will be unlikely (in the absence of other changes) successfully to control fully police deadly force.

3. Operational Rules and Procedures

Operational rules and procedures constitute another administrative mechanism to control the rate of police use of deadly force. Operational rules in police work seek to regulate police behavior in encountering particular types of citizen behavior. For example, an operational rule may prohibit chases of juvenile joy riders, or forbid the use of mace against insane persons. In many other professions, it should be noted,

operational rules are used more effectively than in police work. In the airline industry, for example, pilot behavior is restricted by use of very specific and empirically grounded operational rules. Such rules are redefined and reverified through ongoing investigations of both actual and averted aircraft disasters (lightning storms, forced landings, near collisions, etc.). A pilot, for example, when faced with an emergency such as a serious downdraft, burning engine or near collision is instructed to respond in terms of clearly defined procedures. Many of these operating procedures require pilots to forsake intuitive reactions to emergencies and engage in procedures which have been found to cope effectively with specific emergencies. Thus, if an engine catches fire on takeoff, the pilot is instructed to level his aircraft prior to attending to the fire. Operational rules are defined for virtually every situation a pilot might plausibly encounter. An airline pilot's rulebook for such emergencies may cover more than 300 pages.

Police operational rules are far less formalized and detailed - and all too frequently neglected. They are, however, a potentially very important technique for the administrative control of deadly force since they define how specific categories of incidents are to be dealt with. Some departments have developed explicit operational rules for guiding officers in coping with possible use of force situations. The Fresno (California) Police Department's rules for "responding to violent opponents" may be found below in Table 3.2. They attempt to structure officer responses to varying types of risk posed by opponents.

TABLE 3.2

CONTACTING THE VIOLATOR AND CONTROLLING CONTACTS
 ESCALATING INTO DEGREES OF HAZARD

LEVELS OF FORCE

<u>LEVEL #1</u>	<u>LEVEL #2</u>	<u>LEVEL #3</u>	<u>HIGH RISK</u>	<u>FELONY</u>
Basic enforcement contact	Passive Circumstances suggest a threat to officer safety	Aggressive Actions, threats or general circumstances threatening officer safety Ask for backup Notify supervisor Mace and baton level Take cover	Overt act Information Observation Accompanied with present ability to do bodily harm to officer Ask for backup Notify supervisor Firearms display (semi-ready position) Take cover	Crimes of violence Ask for backup Notify supervisor Firearms display (ready position) Take cover

Reiss (1980), in an article in the Annals of the Academy of Political and Social Sciences, has persuasively argued that the creation of specific operational rules to deal with specific circumstances provide effective measure to control police use of deadly force in that "the earlier one intervenes in a casual sequence the more likely one can alter its course." Such operational rules, he argues, can effectively "rule out" those situations which are most likely to result in fatal or serious injuries to either citizen or officer.

Often departmental operational rules are very narrowly focused in ordering officers to deal with a particular type of confrontation in a particular manner. Reiss (1980) offers an as example of a possibly effective operational rule of that type, an order implemented after five officers fired at an insane man armed with a pair of scissors, a total

of 21 shots. The new order created an operational rule which required officers to call supervisors or specially trained service officers (skilled in the use of mace and other techniques) rather than attempt to resolve a confrontation with an insane person themselves. Other common operational rules order officers to attempt to contain rather than rush barricaded suspects; order them not to engage in certain types of high-risk pursuits; and require police officers to call specialized types of personnel (e.g. SWAT) teams to cope with particularly dangerous confrontations.

Clearly, informal police operational norms may be as important in controlling deadly force as are formal regulations. In almost every police department, one observes police cultural norms which define how to deal with particular types of confrontation. One set of such informal norms deals with discretion in terms of confronting particularly dangerous situations. One officer explained a norm of that sort in his department as follows:

You have to remember. We had one of the worst riots back in the '60's. When we see a situation, lets's say a group of blacks standing on the street corner, possibly with guns, virtually every guy here will pass it up, knowing that it's too dangerous to take them on unless you've got three or four cars to spare. It's like an informal code: Restraint!

Another department had an informal rule on displaying guns on certain types of calls which contradicted its formal rule. An officer explained this norm as follows:

It's a set thing in the Pittsford area that if you get a family beef call, or whatever at night, you unholster, no matter what.

The department says you can't unholster without seeing the other guy's gun, or something that's a threat, but you come with us any night and I bet you don't see one guy go up a back alley or staircase with his gun still in his holster.

Other informal rules may affect very subtle, though important, aspects of police behavior in armed confrontations. One informal norm deals with the time allowed for an officer or team to "clear" an assignment. In some departments, officers are encouraged to approach a building quickly, thus decreasing the time needed to "clear" a particular assignment. In one department, the sergeant would place a "walkie talkie" call to officers who he felt were "fooling around" (i.e., taking too long on a particular "job.") Other departments encourage greater caution in approaching "unknown or suspicious" circumstance calls.

Another type of informal norm governs pursuit of certain types of opponents. Some departments instill norms in their officers that encourage back alley chases of fleeing suspects. One supervisor, for example, chastised a young officer for not following an armed youth into the back of a darkened factory. Other departments discourage such chases, fearing the risk of a shooting should the opponent suddenly turn on a lone officer armed with a gun. One officer described his department's policy as follows:

Here it's an unsaid thing, like "you gotta let them go."

Like they seem to feel that most of these chases the guy will get away anyway and it's not worth the risk of you plugging the guy if he turns on you. Once he gets a step or two on you, it's goodbye and if he's bad enough maybe you try to get him later.

Other risk situations may be similarly avoided by informal norms. One department virtually forbade two-man teams from entering beyond the third floor of a particularly violent, largely black housing project. Other departments similarly avoid dispatching line officers to Saturday night bar fights or domestic squabbles in certain areas or in high risk situations.

Other (both formal and informal) police operational rules mandate the use of specialized units for particular types of confrontation. In many cities, for example, a "man with a gun" call or "armed robbery in progress" automatically will be handled by a S.W.A.T. or other specialist team. In other cities, "backup officers" will be dispatched to certain categories of "high risk" assignments. In Rochester, New York, crisis intervention trained officers (or civilians) will be dispatched to certain types of domestic squabble. The article below describes a case where specialized police officers (Tactical Team) were able to "seal off" and "talk out" (rather than "rush") obviously frightened armed robbers.

It wasn't clear at first who was more relieved--the hostages, the robbers or the police.

Bellevue police last night arrested two gunmen, freeing two hostages unharmed and ending a brief but tense siege at a coin and jewelry shop in a small shopping center on the north side of the city.

The robbers, who had tied up the owners of the shop, had barely enough time to peek inside the two open safes before police arrived.

The panicked gunmen tried to ram their bodies through a rear window of the shop to escape. They only bounced off the double-pane glass, Conrad said.

That was when one robber's gun went off, sending a bullet crashing through a glass display case.

One of the men tried to pound a hole through the roof. It wouldn't have done him much good. Officer J.A. Rochell was

on the roof with a shotgun trained on the source of the pounding.

Meanwhile, the store was being surrounded by dozens of uniformed policemen, detectives, tactical-squad officers and a canine unit.

"I told them that since they were giving themselves up, we should call the police and tell them what we were doing," Conrad the store owner said, explaining that he didn't want the officers outside the store to mistake him for a robber.

The two gunmen, frantic by this time, tried to use the phone. But they were too nervous to dial out. They had to untie Conrad so he could make the call for them, police said.

Conrad spoke with a police dispatcher, explaining that the two were ready to surrender. He said their only request was to be allowed to call their wives first.

Police agreed and the surrender came moments later.

The suspects emerged one at a time, hands high in the air.

Conrad, a former New Yorker, said he was not particularly unnerved by his experience.

An important set of operational rules deals with the possession and use of "off duty" weapons. In most departments, operational rules regulate the carrying of off duty weapons. Many police departments require their officers to carry their firearms off-duty since they are expected to enforce the law on a continuous basis (24 hours each day). Others, like Kansas City, leave the decision of whether or not to carry a firearm up to the individual officer, while advising against doing so when alcohol might be consumed. Fyfe (1978) found that over 23% of his shooting incidents involved off-duty officers. In addition, over the 320 shooting incidents surveyed by Milton et al., in their seven-city study, 17% were by off-duty officers. In Detroit, which accounted for 38% of their shootings, over 22% of shooting incidents involved off-duty officers. Fyfe (1980) has noted that off-duty armed confrontations tend to be associated with erratic officer behavior. Such confrontations he

argues are in part preventable through departmental operational rules regulating off-duty weapons. Most drastically he suggests departments ban off-duty weapons. Alternatively, the carrying of off-duty weapons may be limited by operational rules to particular contexts and purposes.

The use of operational rules to lower the rate of police deadly force represents a most promising line for systematic intervention. It may well be, as Reiss (1980) has suggested, that many police uses of deadly force are averted by creating rules which make improbable an armed confrontation between a patrol officer and dangerous citizens. This strategy is, of course, effective in averting only certain types of deadly force: primarily those incidents where there is adequate time to call for backups, and deploy special weapons and special personnel.

It should be noted, however, that there are inherent difficulties associated with the use of operational rules. First, the idea of creating an "empirically grounded" rule to guide discretion in risk situations is alien to many "seat of the pants," "intuitive" police officers and administrators. Also, at this point our knowledge of the mechanisms of armed confrontation is not advanced enough for the development of operational rules for any but the most obvious of situations. The next step in development might require that a department know not only how many armed robberies (of a particular type) resulted in a police use of deadly force, but how many total armed robberies of that type were encountered in a particular period. Finally, completely effective use of such rules might not be possible in the context of a human interaction that has the infinite nuances of a police-citizen armed confrontation. Even a pilot operates with considerably more circumscribed array of potential variations.

to the department's shooting policy. In those 77 incidents, 27 civilians were killed and the rest suffered wounds ranging from minor to critical." Harding and Fahey (1973) were able to relate Chicago's high shooting rate to its lack of effective review of police shootings. The authors observe that in 1970-71 Chicago had the highest rate of police homicide of the five largest U.S. cities:

<u>City</u>	<u>Population*</u>	<u>Number of** Officers in Police Department</u>	<u>Number of** Civilians Killed</u>	<u>Annual Death Rate per 1,000,000 Population</u>	<u>Annual Death Rate per 10,000 officers</u>
New York	7,895,000	31,671	21	3.6	8.8
Chicago	3,367,000	12,961	32	12.6	33.7
Los Angeles	2,814,000	6,806	8	3.7	15.8
Philadelphia	1,949,000	7,780	13	8.9	22.3
Detroit	1,511,000	5,159	4	3.5	10.3

The authors attributed the city's high rate of police homicide to the often superficial review of shootings performed by the department. For example, they cite a grand jury analysis of the review of the Fred Hampton (the Black Panther slain by the Chicago Police) case as an example of the failure of the Chicago Police to police itself in terms of placing deadly force under objective administrative review:

The performance of this branch of the Chicago Police Department...was so seriously deficient that it suggests purposeful malfeasance... Instead of a complete investigation of the factual controversies raging in the press, the investigation consisted only of gathering all the police reports, soliciting cooperation from counsel for persons accused of crimes (knowing that no defense counsel would permit pre-trial statements by an accused) and asking the officers involved a few simple conclusory questions in which they denied wrongdoing. No opportunity was given to explain in detail what happened, and all the subordinate officers were asked only to ratify their sergeant's account--which itself was based not only on prepared questions, but suggested answers composed by a Police Department lawyer and shown to the sergeant in advance.

4. Shooting Review and the Punishment of Weapon Abuse

Perhaps the most direct administrative means of controlling police use of deadly force is the objective administrative review of all weapons discharges. Underlying the reliance on review and punishment of abuse is, of course, an assumption of the officer's belief that his conduct will be vigorously scrutinized and that the punishment will be significant. This position is stated by Dallas' chief, Glen King who argues:

Obviously, if the first effort, the effort at positive discipline within a department, is totally successful, there's never any necessity for any other activity on the part of the administrator; but experience and knowledge of human nature tells us this will not always be successful. So there must exist also within the department the negative aspects of discipline where sanctions are exercised against those officers who fail to comply, in those instances where there is not conformance with the established rules and regulations and policies of the department. In law enforcement, those sanctions go all the way from a verbal reprimand through written reprimands, disciplinary transfers, demotions, loss of pay or privileges, to suspension, and the ultimate punishment within a department is termination or separation from the service.

Others have stated similar positions even more graphically. One deputy chief said emphatically that "If any of my guys do anything with a gun that's out of line, they know I will get their ass!" Another chief added, "There has to be credibility in that when an action involving a gun leads to wrongdoing, they [the policemen] must know that something will happen." An internal affairs officer commented, "Look you gotta be absolutely objective, no favors to anyone. If you start saying, 'Hey, he's an O.K. guy' or any of that shit you stop being an investigator and become something else."

There is at least some empirical foundation for the assertion that effective control of police use of deadly force is facilitated by sure,

rapid and certain punishment of wrongdoing. Deterrence theory from Becarria and Bentham to Gibbs has emphasized the role of public sanctions in controlling social behavior, and psychologists have theorized about behavioral control through punishment for generations. Deterrence theory would lead one to conclude that actions which are publicly, certainly, rapidly and severely punished will tend to be reduced. In a closed administrative system (such as a police department), the detection and punishment of wrong doing should be (in theory at least) readily attainable.

Fyfe (1980), Culver (1975), Kobler (1975) and Harding and Fahey (1973) have related police rates of force to the frequency of police discipline following a review of force incidents. Fyfe (1980), as we noted earlier, found an 18% drop in the use of deadly force in New York following new (and more effective) shooting review policy. Culver (1975) found in a three-city comparison for use of force complaints that the rate of sustained complaints following internal affairs investigation ranged 15 to 0%. He also was able to relate these rates to the frequency of the use of force in these cities. Kobler (1975) observed that of 1500 police shooting incidents he reviewed only three resulted in criminal charges against the officer; even in cities with troublesome shooting rates, legal punishment of police shootings was practically non-existent. The Los Angeles Sheriff's office had referred but a single case for prosecution in almost eight years. More recently, Sappel (1980) found that of 77 shooting incidents in 1978-1979, not one finding of wrongdoing was sustained. Sappel writes: "Block, (the Undersheriff) said discipline was not imposed in the 77 shootings between 1978 and 1979 because the deputies involved had adhered strictly

On the other hand, examples abound of cities where an effective shooting review policy has maintained a credible deterrence in terms of police abuse of deadly force. One common element in these cities is that the review process becomes detached from the power and influence of those officers most directly involved in the shooting incident.

A publicized case of innovative shooting review reform is found in the city of San Jose, under the auspices of Chief Joseph McNamara. When McNamara took over as Chief in 1977, the city was in the midst of a controversy regarding a shooting of a man named Danny Trevino. The police had answered a disturbance call at a home on the city's predominantly Mexican-American East Side. One car found Danny Trevino sitting in his parked car with his girlfriend, Maria Duarte. The couple had been fighting and Miss Duarte apparently was being held in the car against her will. The policemen approached the car from either side. As the woman leaped from the passenger side of the car, Trevino reportedly reached under the car seat with his right hand, then raised the hand and pointed it at an officer. A San Jose officer fired into the car, killing Trevino. Later, police found Trevino had been unarmed. McNamara responded to this controversy by taking several steps to control police abuse of firearms. Soon, eight "abusive" officers were fired; also the Internal Affairs office was both strengthened, (it now reported directly to him) and moved from police headquarters to a rented office. McNamara believed this would both encourage objective appraisals of cases and a sense of trust in the Internal Affairs office by the Latin American community. McNamara comments:

In San Jose a little over two years ago I was greeted with demands for a citizen review board, for transfer of certain patrol officers, and other signs of great lack of credibility on the part of some fraternities who had represented

citizens against police officers, charging abuse of authority and excessive force. Today, the number of complaints against police officers, charging abuse of authority and excessive force has dropped in half. We have not had a questionable shooting in two years. The self-initiated, internally initiated, actions by supervisors have increased by 30 percent, and once again, the minority community spokesmen are the strongest supporters of the police agency.

One of the initial concerns raised by a group of attorneys that met with me was that the citizens feared to come into the police building to register complaints because they were greeted by uniform officers who, of course, were armed, and they were required to obtain security passes and that this acted as a deterrent to some citizens with legitimate complaints. They also strongly stated that it was their belief and the community belief that the Internal Affairs unit of the police department was a closed shop, policemen investigating policemen, and that it was a cover-up operation.

Regardless of the accuracy of both statements, it seemed to me important to recognize those kinds of community concern. So we moved the Internal Affairs unit out of police headquarters, and we hired one of the minority community leaders to work as a civilian in the Internal Affairs unit. His presence there was a clear demonstration on the part of the police agency that we had nothing to hide, that we viewed the process as fair and one that would withstand public scrutiny. In addition to that, there were some cases where discipline was imposed, and these and a number of other actions--affirmative action plans, transfer and career program for minority officers--were also very positively received by the community.

Other departments have made great advances in the systematic review of police shooting incidents. In Newark, New Jersey, all investigations are handled by a two-man shooting review team (including a black and white officer) who report directly to the police director. They will "roll out" to the scene of a shooting immediately after the incident. (Four A.M. "roll outs" are not rare.) Efforts are made to contact civilian witnesses as well as other police officers at the scene. By bypassing the shooting officer's normal chain of command, the department believes it increases the chances of what several senior officers call "an objective appraisal of fact." The internal affairs officers are often feared but respected by line officers. Six-hour searches for a

spent bullet (even a miss or a warning shot) are possible. Results from investigations are reviewed both by the I.A. Captain and by the police director. It should be noted that such objective appraisals often "clear" officers involved in controversial shootings. One officer who was involved in several prior shootings was thus cleared when two initially reluctant civilian witnesses supported his version of an ambiguous shooting incident.

Despite the evidence as to the efficacy of the stringent enforcement of shooting policies, many departments show scant interest in such measures. Often the reality of civil liability suits discourages the stringent review of police shootings. One chief, articulately explained what he called the Catch-22 of the internal review of police shootings:

The reality of it is that there is a big Catch-22 in the whole business. The better your shooting review is, the more likely you are to get your ass had. The quieter and vaguer you keep it [the review] the safer you are, from a legal point of view.

Police union politics also discourage the active prosecution of police wrongdoing. In several cities, police unions have vigorously defended officers charged or actually disciplined by the police department. In Los Angeles, three officers charged by the district attorney were legally as well as politically defended by Police Benevolent Association lawyers. One LAPD internal investigator commented, "They won't even talk to us if the union lawyer isn't sitting there." Robert Di Grazia, former Chief of the Boston Police Department, observes that "Even if the guy is stone guilty, the chief couldn't do anything about it, even if he wanted to. Once I caught a guy with his trunk full of T.V. sets. After the union gets finished with the case, he almost got a medal."

Another problem lies in the extreme difficulty of defining unreasonable or even negligent conduct in police shooting decisions. Even in those cities where use of deadly force is restricted to the apprehension of armed and dangerous felons or self-defense, a wide latitude in judgment is still allowed to the officer. For example, in Los Angeles, an officer was exonerated by a shooting review board after he shot a 21-year-old white man, shortly after receiving a report that a 35-year-old black man had attacked a manager of a motel. This type of incident illustrates a core dilemma of the administrative review of police deadly force: that only grossly negligent cases of abuse can be controlled through administrative means. In situations where the officer reasonably (or apparently reasonably) believes that his life is threatened, administrative review is either difficult or impossible. The only incidents in which administrative sanctions are most commonly applied are cases in which gross professional negligence or criminal intent is readily evident. Milton et al. (1977) observe that the cases in which sanctions results were most frequently cases in which the officer lied (i.e. makes statements of fact which are proven untrue), was drunk, blatantly exceeded guidelines, or showed obvious erratic judgment. An example of this last type of situation is described by Milton as follows:

Case L. An officer has parked the patrol car in order to observe a supermarket plagued by robberies and shoplifting. The officer, seeing a clerk chase some shoplifters out of the store, and knowing he can't catch the suspects, fires at them.

Negligent conduct in more complex cases is far more difficult to define and document. Often the investigator must infer negligence from the position of bullets or persons rather than testimony of the officer himself who in controversial cases will be immediately represented by

the union attorney. One investigator thus commented, "Who (besides God) can with certainty say if an officer who confuses a raised wrench with a pistol made an unreasonable or negligent decision. We can't say and we can't prove it!" Unless there is evidence of lying or distortion of evidence, review boards rarely will doubt an officer where there is even plausible evidence to say that a reasonable man in these circumstances might have believed that his or someone else's life was in grave or mortal danger.

Whatever effect is exerted by the existence of an objective review policy may depend on an intangible factor: the belief by line police officers that their conduct will be rigorously scrutinized by the chief executive of a police agency and that wrongdoing will be punished. The case of Kenneth DiAngelis in Newark is interesting in this respect. In November of 1978, DiAngelis who had previously been involved in a series of controversial shootings, shot a young prisoner in a precinct jail cell. After a local prosecutor failed to act in the case, the police director Hubert Williams ordered DiAngelis arrested and charged with murder. While the facts of the case were ambiguous (DiAngelis claimed the prisoner had attacked him with a chair leg in the cell) and the aftermath controversial (Williams' firing of the officer was sustained by a civil service commission nearly two years later), shootings by Newark police officers in the six months following Williams' action dropped by nearly 60%. The impact of what one police official labeled "effective heat" might be similarly observed in the 70% drop in shooting following the Eulia Love controversy in Los Angeles and similar reductions in police use of deadly force following stern administrative actions in San Jose, Kansas City, Mo., and Atlanta. Such responses to

public sanctions indicate that the subjective belief that wrongful shootings will be punished may be more important in reducing the rate of police deadly force than are the specific formal shooting review policies or procedures. As Machiavelli (perhaps sadly, but also astutely) observed, "Men react to fear more readily than kindness." This sad truth may apply to the behavior of police officers, as it did to the behavior of Machiavelli's Prince subjects.

Conclusions: Administration Control of Police Deadly Force

In this chapter we have outlined several of the major dilemmas implicit in the administrative control of police use of deadly force. We have surveyed existing research linking administrative policy to the rate of use of deadly force; summarized some of the theoretical issues related to the administrative control of deadly force; and speculated about the impact of administrative guidelines, training, operational rules and review policies on the rate of police deadly force. Upon reconsidering this chapter, one might ask the following question: If the administrative means exist to control police deadly force, why is it that in some cities police use of deadly force remains strangely high while shooting policies remain essentially unchanged?

Before attempting to answer the question a summary and highlighting of previously discussed issues seem in order. Each of the four administrative mechanisms we have discussed makes key social and psychological assumptions about the way that police shooting behavior might be effectively controlled. These assumptions are summarized in the table below:

TABLE THREE

<u>Administrative Mechanism</u>	<u>Assumptions about why avoidable shootings occur</u>	<u>Theory of Control</u>	<u>Theory of how to control police decision-making</u>
<u>Guidelines</u>	Avoidable shootings occur when officers lack specific guidelines defining when they may be permitted to use deadly force.	If guidelines are made more specific, then inappropriate shootings will be reduced.	Officers have difficulty implementing ambiguous abstract legal statutes and policy statements.
<u>Training</u>	Avoidable shootings occur because untrained officers make errors in tactical or perceptual or legal judgment.	If officers are given realistic training, the probability of panic, tactical mistakes etc. will be reduced.	Officers can be trained to implement deadly force policies.
<u>Operational Rules</u>	Avoidable shootings occur when officers enter situations in which risk factors are too high to avoid use of deadly force.	Avoidable shootings will be reduced if certain risk situations are avoided through use of backups, back-off procedures, etc.	Officers cannot be expected to implement deadly force decisions in certain volatile situations.
<u>Intensive Shooting Review</u>	Avoidable shootings occur because officers fail to use caution or act emotionally due to failure of the department to review and sanction avoidable shootings.	If level of sanctions are increased, avoidable shootings due to lack of care, experience and emotion will be reduced.	Officers are deterred by fear from shooting abuses.

Obviously, a department's strategy of social control may include several of the administrative means we have described. Also, different departments or officers may define the assumptions of each of these mechanisms differently from the way we have characterized them above. We

offer the chart above to illustrate that the choice (or ordering of choices) of administrative mechanisms makes important assumptions regarding the definition of the problem of deadly force and, implicitly, asserts a theory of how deadly force may be controlled and how the officer makes a decision to use or not use deadly force.

While it is conceptually and practically possible to develop a consistent and effective administrative system to control police deadly force, few departments have systematically implemented the types of administrative techniques we have described. In many departments we find tortuously ambiguous shooting guidelines, sporadic and obviously ineffective training, few efforts to define operational rules designed to minimize the risk of deadly force, and incomplete reviews of officer decisions to use deadly force.

In many cities, the chief reacts defensively to the admittedly complex dilemmas of police deadly force. Faced with countervailing union pressures, demands for proactive policing, community pressures and threats of legal actions, the chief follows an (understandable) policy of pragmatic vacillation. "We are," as one chief admits, "between a rock and a hard place on this issue. It's a no-win situation." Another chief (a chief known for his reform policies) similarly described his frustration at not being able to "go after" an officer who had been involved in "two bad shootings" during a six-month period:

Now what can I do? The union wouldn't let my "IA" even talk to the guy. The city manager is in bed with the union and the guy's brother-in-law is an ex-city councilman. The grand jury will smile at anything a policeman does, providing it's not an out and out execution and let's face it, I've got battles going on in other areas. I have to choose my fight.

Such comments echo the key questions we have raised: Why, if the means are available to reduce deadly force, are police policies in this direction rarely implemented?

Of the many constraints facing reform, perhaps the most insidious is the lack of clear legal statement on the issue of police deadly force. To date, the U.S. Supreme Court has not expressed itself explicitly on the topic. The legal status of many state statutes is much like the state of educational racial codes prior to the Topeka, Kansas v. Brown decision, or arrest laws prior to the Gideon, Miranda or Escobedo decisions. In California, for example, the state "use of deadly force" statute has been effectively ruled unconstitutional by the state's Supreme Court (Kortum v. Alkire). In another case, it was ruled that cities were to be held civilly liable for guidelines, policy and training which exceed the state statute (Peterson v. Long Beach). A further indication of the larger legal confusion is found in the observation that approximately one-half of the states still have codified the widely criticized common law rule that allows deadly force to be used in the arrest of any felony suspect. A somewhat different type of statute is found in the seven states that permit deadly force as a response either to specific felonies or to a general category of felonies. Finally, seven other states follow the Model Penal Code provisions which restrict the use of deadly force specifically to violent felonies.

Many critics of the existing legal status of deadly force law (see Finch, 1976, Sherman, 1979) emphasize that additional restrictions are needed on the broad discretionary powers given to the police by the justification statutes. A common theme in these arguments is an ethical

concern that flight from purely property crimes should not result in the death of the suspect.

The failure of many legislatures to adopt the Model Penal Code or a similar code has led to a growing number of Constitutional challenges. Finch (1976) finds substantial, though not altogether convincing, grounds for Constitutional review of justification statutes under fourth, eighth and fourteenth amendment guarantees. Particularly convincing to him are claims of fourteenth amendment due process protections against unconstitutional deprivations of the right to life and trial. Sherman (1979) argues that the common law statutes are capricious in that they almost randomly punish fleeing felons.

A police administrator finds himself forced to choose between a number of shooting guidelines. As Uleman's (1973) study of police shooting policies in Los Angeles County shows, cities even in the same county may have radically different shooting policies. Lacking a clear legal foundation, administrations may face a choice between expediency and idealism. One example of this tension was observed in a city (headed by a nationally known reform chief) who was advised by his city attorney to drop all training and restrictive guidelines because state liability law (following Peterson v. Long Beach) held the city liable to actions which exceeded departmental guidelines, though within state law.

It should be further emphasized that the courts have been largely silent on several major definitional issues relevant to the administrative and legal control of deadly force. One issue deals with the concept of "gross negligence". Except for the Somers case which defined what a reasonable belief is that an atrocious felony had been committed, the courts have not given clear signals on issues as to how certain an

officer must be that his or a citizen's life is in jeopardy "or how serious the threat to an officer's life must be." Two cases in Los Angeles illustrate the definitional difficulty. In one case, the district attorney prosecuted a group of LAPD officers who confronted a parking lot worker armed with shotgun, who the District Attorney argued did not give the officers reasonable cause to use deadly force against him. In another case, the district attorney reviewed a case where an officer fired at a crazed man who was about to throw a typewriter in the direction of the officer. The key issue in this case according to the investigator in charge of the case is "whether or not the threat of the typewriter could be considered a lethal threat against the officer." The dilemmas of internal affairs officers, chiefs, juries and lawyers is that the courts have been virtually silent on such issues. One result of the resulting ambiguity is that police chiefs, grand juries and district attorneys have been reluctant to take action against (legally or administratively) all but the most egregiously negligent cases of the abuse of police deadly force.

Another constraint against effective reform involves the tenuous political status of the chief. One study found that the average chief enjoys a tenure of less than two years. Caught between political, union and community power blocks, the police chief of the 1980's finds himself in a constant battle for survival. The case of Boston's Robert DiGrazia is instructive. Leaving Boston, because of a refusal by the mayor to grant a long-term contract, DiGrazia accepted a job in Maryland. He was fired within a year. Professionally ostracized by conservative law enforcement and virtually hounded by embittered unions, DiGrazia has not been employed as a police chief for more than three years. Commencing on

what he called "The DiGrazia object lesson," another well-known reform chief said:

Look, who's kidding who; what happened to Bob could have happened to any of us. Don't think that when we contemplate something radical we don't think of DiGrazia and his five kids.

Another of the many constraints making the job of controlling deadly force difficult (or impossible) is the recent rise of union militancy. The age of the Boston Police strike in which virtually a whole police force was fired are long gone. As LAPD's Chief, Daryl Gates has said (our paraphrase), "The mental patients are running the asylum." In many cities, police deadly force policy has become a major union issue. In San Jose, the Officer's Association filed a legal action against that city's deadly force policy. In Miami, the suspension of five officers for defacing the property of blacks (presumably) involved in the recent Miami riot was reversed due to the threatened statewide strike of police officers. In Los Angeles, The Police Protective League filed a class action suit designed to rescind certain policy recommendations of the Police Commission. Routinely in cases involving police use of deadly force, police unions defend the officers involved and vigorously fight actions to sanction officers for the abuse of deadly force.

Another factor making the task of the reform of deadly force extremely difficult is citizen preoccupation with "law and order" and safety from violent crime, often at a high price. In many cities, there is virtually a public obsession with the reality of street violence and crime, a concern which in many cities overwhelms almost any desire to control use of deadly force. One veteran city police reporter, for example, observed that, "If the guy on the street has a choice between risking getting killed by a wacko hype and a wacko cop, he'll take his

chances on getting wasted by the cop, so that the cop can kill or arrest the hype." Recently, many middle-class blacks have articulated similar positions. A New York "Village Voice" article in March, 1980 by an articulate black journalist, Stanley Crouch, argues that blacks have more to fear from black criminals (he uses the example of the notorious Harlem black drug dealer) than they do from violent cops. He quotes one black officer as indicating the pressure he would take in "wasting" Nicky Barnes and similar street predators:

A black cop, a friend of mine for years, told me this after the Times ran that story on Nicky Barnes. He says, "Listen, man. Let me tell you something. The white cops in Harlem, they don't give a fuck about drugs. They don't give a fuck about nothing. They think maintaining order up here is a losing proposition. They think black people will inevitably kill or maim each other or tear up each other's property. But the black cops, we take it personal. Particularly when they try to make somebody like Nicky Barnes a goddam folk hero or some motherfucker tells you how dope provides jobs for the downtrodden! If they'll sell dope or help cut dope, they need to be down and out. If one of us black cops had a chance, we would have taken Nicky Barnes somewhere when nobody was looking and put two in his head. Quick." That's the way he felt about it.

"I wish they had've killed him. I wish they'd killed all of them," adds one of the others, "because they not only sell dope, they're the ones the kids get this attitude of not giving a fuck about anybody else from. This is why kids beat up people after they already done gave up their wallet, or set somebody on fire. They probably think they're being cute, like one of these goddam hustlers beating one of his bitches in the street. He's proving to the world how cold he is. Now you got kids who want to prove the same thing, or maybe they're just mad at the world. When you don't give a fuck, you'll do anything. People like that need to be behind bars or in the graveyard."

Crouch predicts (we think with some justification) that this new "law and order" vigilantism will increase as more middle class citizens (black and white) resettle the center cities:

. . . if lots of white people start moving into Harlem, the schools will improve and so will the policing. They'll run all those dope dealers off 116th and Eighth Avenue and the other boulevards. Given the gas crisis and the fact that

young, successful couples are moving into the city and looking for places to live, Harlem brownstones and refurbishable grand apartment houses concretized the grim sense of the observation. It would also add another irony to the many connected to this story, for it would mean that the criminals who have done so much damage to Harlem are now helping to change it even more. When they once made whites afraid to go there, they might now be making it much easier for them to return.

Interestingly, Columbia University just bought three buildings at 145th and St. Nicholas, one of Harlem's most crime-infested blocks. The tenants have been removed and told they can come back. No one believes it. As the buildings are renovated, the word among the hustlers is: "It's time to clear out. They're getting ready to clean up this block."

The reality of violent crime leads to what we might call the "administrative dilemma of the hard charger." The "hard charger" in the police vernacular is an officer who achieves many arrests through his aggressive "street attitude" and possibly uses at times excessive force. The dilemma posed by this type of officer was articulated as follows by a very bright, young and perceptive urban police force's deputy chief:

Look we've got guys we know will get involved in shootings. The problem is they also will get involved in many arrests. The older fat officer (we got lots of these too) won't shoot anybody. They also won't arrest anybody either. 10% of our guys will get involved in 80% of our shootings and make 90% of our best felony arrests.

The observations made by this deputy chief were supported by a sergeant who was commissioned by his chief to do a study of "officer shooting risk." The sergeant commented that the major finding, "was that most of the shooters had won medals." He went on to observe that the more surprising thing was that "the chief threw his study in a wastebasket as soon as he saw it." He said, "We couldn't fire those guys" and, also "If the lawyers found out we knew how dangerous those guys were, they would murder us if they could prove we knew."

Another constraint against the effective administrative control of police deadly force involves the very myth of police deadly force

itself. As we observed in Chapter Three, while the early urban police were not armed (the first reported shooting in New York occurred amidst much controversy in 1858), policing has become perhaps irreversibly intertwined with the mystique of the revolver. The early western "marshals" often were selected because of their prowess with a six-shooter (Prassel, 1972). Media police officers such as Starsky and Hutch, Popeye Doyle, Kojak, Bullit, and Dirty Harry seemingly use their guns as frequently as they use their forks and knives if one were to believe the movies.

Any effort to disarm (or even control) an armed police force violates the public (and possibly police) conception of the essence of policing - even though this conception may have little foundation in reality. For a police chief to demand control of his officers' weapons will appear to some almost un-American - a violation of a frontier myth in which one's security is measured by the speed of one's draw and the power of one's .44.

Such constraints should make the seemingly ineffective efforts by many police chiefs, at least understandable if not blameless. The typical police chief is (as one fellow chief puts it) almost by necessity (if he is to survive) a political animal. Torn between his (possible) humanistic ideals and such diverse groups as a local urban league chapter, civil liberties union, police union, law and order citizen, politicized courts and district attorneys, the line of least resistance (a tempting one, we might add) is a pragmatic course of action. Such a choice may maximize one's career chances in an (at best) extraordinarily difficult political role. It cannot however confront the realities of the effective control of police use of deadly force. This we might

submit is the core paradox of the administrative control of police uses of deadly force: the means to control deadly force presently exist. What blocks effective reform is the political will and finesse to implement those administrative measures which might substantially reduce the chances of death or injury to citizens at the hands of police officers.

USE OF DEADLY FORCE BY POLICE OFFICERS

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FINAL REPORT

VOLUME IV

The Formal Study: Design, Results,
Interpretations, Recommendations

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PREFACE

Volume I of this Report is based on informal analyses of the documents, statistics and general information we received during our visits to various police departments throughout the country. Volume II presents one theoretical perspective along with an overview of various issues associated with the police use of deadly force discussing, in the process, previous empirical research, legal analysis, political considerations, and management needs and limitations. Volumes III and IV are based primarily on data and information from the four cities where we conducted our longer, intensive studies, although both depend on the analyses, theoretical perspective, and prior empirical research covered in the earlier volumes. While Volume III represents the soft side of the synthesis, being informal and descriptive in approach, Volume IV uses the most sophisticated methods of social science research in drawing conclusions.

INTRODUCTION

Police Deadly Force as a Social Issue

We are all faced on a daily basis with decisions that encompass alternatives having different probabilities of causing the death or serious injury of another person. Shall I race through the intersection even though the traffic light has just turned red? Shall I put the insecticide on this shelf even though it is not fully out of reach of the young children in the family? Should I install a smoke alarm in my house?

Certain professions are characterized by the need for decisions of that sort--and the decisions typically involve alternatives with markedly different probabilities of death or serious injury. Personnel in these professions include physicians, air traffic controllers, military officers, and police officers. Because of the great responsibility associated with such decisions, society has mandated careful selection of candidates for these professions, thorough training (usually with apprenticeship) prior to placement in the context where independent decisions are necessary, and maintenance of skill by such processes as retraining, supervision, and peer review. In addition to the required special care in selection, training, and ability-maintenance of personnel, society attempts to control day-to-day decision making by statutory laws, case decisions, and operating rules and regulations.

When society is displeased with the results produced by one of the "life-and-death" professions, intervention is activated in order to achieve immediate, or long-term, alleviation. The displeasure could result from a marked increase in death rates at certain hospitals, one or more crashes or near misses in an air traffic corridor, or even subtle changes on the part

of society in the standards for evaluating the performance of a given profession. The last of these could be produced by general human, social or political factors far-removed from the decision-making realm of the profession in question. The sense of urgency stemming from these more remote factors, it should be pointed out, could be just as great as in the case, say, of the crash of two jumbo jets.

That sense of urgency now exists in the realm of shootings by police that lead to death or serious injury. There is no evidence that the number of shooting incidents has increased in recent years, but there is abundant evidence that the sensitivities of communities have increased greatly. That state of affairs may stem from increased value placed upon human life, a general shift from emphasis on social convenience to human rights, the rapidly changing status of minority groups and the special sensitivities that go with changes of that sort, and a general abhorrence of actions that are perceived as authoritarian. There has been community outrage in such cities as Los Angeles; Columbus, Ohio; Oakland, California; and Birmingham, Alabama as a result of recent police killings. In addition to the civic disruptions that result from organized and emotional protests, from vigorous encounters between police and citizens that threaten to get out of hand, and from investigations and legal actions that are resented by police associations, there are changes that have direct political consequences. Thus the shooting of Bonita Carter in Birmingham was a major factor in the defeat for reelection of the incumbent mayor. And the shooting of Melvin Black in Oakland led to the decision to establish a Police Review Board in that city. Moreover, the civic turmoil that was evident in the four cities mentioned above (among others) carries dangers of escalating into the destructive modes characteristic of the civil strife of the 1960s, or in Miami in 1980.

It is clear that something must be done before there is further erosion of police-community rapport and before there are escalations that may scar society for years to come. But before we know what to do, we must have a fuller understanding of the factors that lead to the use of deadly force, of the effectiveness of various control methods, of the sensitivities of the community to deadly force and how those sensitivities can be handled, and of the mechanisms whereby mutual respect is achieved between police and community in place of mutual paranoia. The last of these is particularly important because it will probably continue to be necessary for police in our (violent) society to use guns--there are approximately 100 officers killed at the hands of citizens each year. And when human beings behave, whether they be physicians, professors, or police officers, there will be differences of opinion as to the appropriateness of various actions. With mutual respect and accommodation, those differences can be resolved in a productive manner that leads to fewer differences in the future; paranoia, on the other hand, leads to acrimonious and possibly destructive encounters.

What do the Sophisticated Methods of Social Science Produce for Us? Or, Why is the Approach of Volume III Not Enough?

One of the most blatant characteristics of human beings is to err in observing phenomena and in interpreting observed results. This type of error was illustrated in our discussion in Volume II of different perspectives on the role of racial bigotry in the use of deadly force.

Because of the seemingly limitless possibilities for errors of various types by human beings, an elaborate set of procedures has evolved over the years to make the research endeavor as immune to human failings as possible. That set of procedures is widely referred to as research methodology. Some

of the failings that research methodology seeks to guard against are the following:

(a) Errors of observation. Humans not only fail to see important features in a given scene, but often invent false observations. It is clear in courtroom observation, for example, that witnesses inadequately remember the details of events and persons they are attempting to describe. Experiments have been done in which people who report that there was an interval of two minutes between a first and second criminal episode are asked to close their eyes and not reopen them until they believe that two minutes have elapsed. Few can manage the assignment satisfactorily, though it should be noted that it is not altogether a fair trial because the experiment introduces a different kind of stress than that which may have been present during the initial observation.

(b) Selective observation. It is notable that different people viewing the same event or phenomenon will notice different things, according to their interests and their biases. That is, we all tend at times to see those things that we want to see, rather than a true picture of what it is that we are looking at. And we also select for observation matters that are of importance to us. A black observer of police behavior, for example, may be especially alert to any sign of a racial slur or evidence of differential treatment based on race. And an ardent feminist is likely to be attuned to signs that an individual believes there are differences between the sexes that ought to dictate policies of differential treatment. In this manner, all of us are particularly aware of things that have a special or important meaning for us.

(c) Errors of interpretation. Our personal biases, our fears, and our inclinations determine not only what we observe but how we interpret what we

have observed. A deaf-mute man was shot to death by a police officer when the man reached into a pocket and began to pull out an identity card. The officer said that he had interpreted the man's lack of responsiveness to his questions and directions as animosity. He said that he thought that the man's reaching into his pocket represented an attempt to draw a gun and open fire on him.

A further source of misinterpretation lies in the failure to be aware of alternative explanations for the relationship between phenomena. Until the twentieth century, for example, the vast majority of medicines had no curative power whatsoever. Yet, most people, including physicians, believed that such potions were effective. Indeed, changes often were observed in patients after they had taken the medicines. Such changes, in fact, were produced naturally (or, perhaps, psychologically) rather than by means of the biochemical actions of the medicine.

(d) Incorrect generalization. This error results in large part from a failure to attend scrupulously to the material which forms the basis of conclusions. It may involve an inadequate ability to think and reason logically, or it may involve a tendency to come to conclusions that are desired rather than those that are dictated by available information.

One may, for example, conclude that a 60 percent shooting rate by the police against black opponents, when the black population base is 22 percent, indicates racism (or worse, genocide). But that type of inference excludes the exposure rate to violence or potential violence on the part of the police as discussed in Volume II.

(e) Dependence upon authority. Many (if not most) of our beliefs are based upon the statements of people we consider authorities. We may buy and hoard gold because someone who has written a best-selling book says it is

wise to do so; or we may go on a high-carbohydrate (or low-carbohydrate) diet because an "expert" with a goatee and an Austrian-sounding accent advises us that this is the surest way to shed 15 pounds painlessly. We look to authorities in religion and politics, in science and education. In some measure, this is because these persons are presumed to have better information than we do, since they have presumably devoted their lives to its acquisition and are specialists in the field. Nonetheless, with their specialization often comes a vested interest in a particular point of view--their own--and a real or unwitting attempt to camouflage conclusions that might be contrary to theirs. Sir Thomas Browne, a 17th Century writer, in his book Vulgar Errors, maintained that unthinking reliance upon authority is the "mortallest enemy unto knowledge," since it involves a "resignation of our judgments" (Keynes, 1964:II, 275-276; II, 5-6).

In the instance of criminal activity, our decision-making frequently is based upon the positions of the chief of police or a prosecuting attorney rather than upon careful analysis of events and relationships. In criminal trials, we tend to rely upon what we read in the daily newspapers or see on the television newscasts. And in a community's reaction to an unfortunate shooting, we often see a "follow the leader" development.

(f) Inappropriate use of evidence. Data may be based upon perfectly accurate observation and seem appropriate as evidence to support a certain decision, yet actually may misrepresent the phenomena of interest. To illustrate, if we are interested in measuring criminal behavior, we cannot rely with too much assurance on police statistical reports, because the police do not apprehend all offenders. And those they do catch most certainly represent a particular kind of criminal or delinquent population. They are characterized, if by nothing else, by the fact that they were unskilled

enough (or, in some instances, unlucky enough) to have been caught--or to have been suspected of a criminal offense.

If we resort to self-reports of criminal activity we are faced with a host of similar kinds of problems in obtaining accurate indications of criminal activity in order to conduct good research. For one obvious thing, some persons we talk to will lie to us, either out of uncertainty about what we intend to do with the information they are providing, or perhaps because they want to exaggerate their "badness." For another thing, delinquency and criminality are basically legal categories, and the person we are questioning might not be aware of or sensitive to the legal definition of the behavior he has engaged in. A middle-class boy might regard a street fight as "assault," while a working-class youth could define it as nothing more than a routine bit of everyday existence.

Returning to our point of departure in the listing of these sources of error, the methods used in this volume represent the efforts of the social sciences to maximize the accuracy of decision making. Research methodology did not arise one morning, but it evolved over hundreds of years as the sciences moved from primitive beliefs to theoretical systems that repeatedly are subjected to observational testing. Thus it is possible to have a belief system based upon authority and upon subjective observations, but it is not possible to maintain upon such foundations a scientific theory from which deduction and testing will produce conclusions. Conclusions that enter into the scientific structure must have been derived from procedures that minimized human errors.

3. The mode and content of training on the topics "officer survival" and the use of deadly force.
4. The legal bases for the use of deadly force as expressed in state statutes and case law.
5. Formal police rules, policies, and regulations governing deadly force.
6. The mood and sensitivities of the community.
7. Significant incidents in policy-community interactions--the killing of one or more officers, for example.
8. . Reactions of police to community forces and pressures.

As stated repeatedly throughout these volumes, we conceive of the choice to use of deadly force (or to refrain from using it) as the final point in a sequential decision process. Generally speaking, as an overall incident moves from service call response to ultimate resolution, the range and probabilities of later choices are altered by earlier choices. The Commission report in the Eulia Love case, to repeat an example, stated, "By displaying their guns immediately, the officers severely limited their alternatives." A very early choice, then, considerably raised the probability of Mrs. Love's death.

And, finally, the ultimate choice regarding the use or non-use of deadly force depends upon a consideration of a perceiving human being who must use the cures available in the encounter. The perceiving human being is of course a product of many of the factors (or forces) listed above. The reconstruction of events by internal affairs, a review board, the office of the prosecuting attorney, or a citizens' committee is necessarily an approximation involving

different types of information (mostly inferential) and different perceiving human beings.

The descriptions of our data-collection instruments are organized by categories of approach rather than ways in which the resulting data will be used in deriving conclusions. Consequently, data coming from a given source may be used over several domains of empirical analysis and, concomitantly, be useful in testing several hypotheses. For example, interviews with community leaders can be expected to provide information regarding stresses in police-community relations prior to a shooting, community events in the policy aftermath of a shooting, and general attitudes regarding deadly force policy and its enforcement. In fact, information from these interviews was used extensively in Volume III.

In general, the mode of data collection described below follows the advice of Milton et al. (1977, p. 146):

The foregoing research recommendations have been based upon the existence of systematically collected data, on both the local and national level. Ideally, in-depth studies should also take the form of parallel investigations, using additional data sources such as interviews of department investigators, newspaper files, coroner and medical examiner reports, and hospital emergency room records. Such information would be helpful in augmenting official reports and could serve to a greater extent as a barometer of community reaction, measuring the impact of particular types of shooting.

A. Archival Data

We searched hard copy to identify major factors and processes in police departments that involve or have possible direct implications for deadly force. Specifically, each of the following events triggered a search:

1. A shooting that lead to death or injury.
2. Change in deadly force policy.
3. Major reorganization within the department.

The specific material to be searched was as follows:

1. Newspapers.
2. Police general orders, rules, regulations, statements of policy and procedure.
3. Training and curricula materials.
4. Committee and commission reports.

The goal of this part of the research is, of course, to relate phenomena in the department and in the community that might be causally connected to deadly force, methods and policies, and to assess the consequences of the use of deadly force.

B. Interviews

1. Public Officials, Community Leaders, Police Officers

We interviewed local political, community and police leaders regarding practice and policy of police use of deadly force. The interview schedules (see Appendices A, B, C) attempt to elicit perceptions of departmental policies related to use of deadly force, the extent to which the department has successfully sought to control abuse of deadly force, descriptions of the interviewee's and others' efforts to influence police deadly force policy, assessments of the roles which key individuals and organizations have played in the formulation of deadly force policy, and statements of the key factors which have shaped deadly force policy and practices in the city.

Community leaders were selected by reviewing newspaper accounts of police deadly force events. Names of persons who repeatedly reoccur in news accounts as key "actors" in the politics of police deadly force were contacted. In addition, each of the initial people interviewed was asked for suggestions as to other persons knowledgeable and influential in terms of

police use of deadly force whom we might interview. Selection of political and police officials was accomplished by initial choices at the top, and moving downward in the chain as warranted.

2. Shooters and Non-Shooters

Before discussing the approach to data-collection in this section, a few comments about selection are warranted. Officers who use deadly force--the shooters--define themselves readily enough. But how does one get an appropriately matched group of non-shooters?

Clearly one cannot select on the basis of history of non-shooting since our analyses are context-oriented. That is, our principal method depends upon analysis of the factors in situation X, and prior to situation X, that led Officer A to use deadly force in X. For matched non-shooters, therefore we need officers who were in situations like those of the shooters but who did not use their weapons as did the latter. The task, then, becomes one of duplicating the situations that come to us by the facts of the shootings.

The process of matching immediately brings to mind (from an introductory course in research methodology) concepts of determining what extraneous variables potentially confound the dependent variables so that experimental and control groups may be made comparable on these variables. Typical extraneous variables used in matching are age, sex, intelligence level, height, weight, and years of experience. With proper matching on variables of that sort, one can say that obtained differences between groups are internally valid (alternative plausible explanations have been controlled).

But that approach is not feasible because of the enormous dependence of shooting decisions upon, mostly undeterminable, context variables. To illustrate the problem, if Officers A and B are matched on such personal variables as age, sex, height, and years of experience, one has not produced much if

there is a difference between them in exposure rates. And exposure rates imply more than assignment areas--since the use of deadly force is a relatively rare event in normal patrol operations.

To illustrate this logic, the ideal matching device would be continuous observation of all officers in a department over a long period. A long period is necessary because situations where the use of deadly force is reasonable are relatively rare events. The continuous observers would then pick out situations where deadly force was not used, but seemed essentially identical to situations where it was used. An example would be the case that recently occurred in Los Angeles where an officer did not use anything but his baton in effectually handling an agitated man with a knife--similar to the state of the killed Eulia Love.

Since the ideal is obviously not possible, we tried to approximate the results it would produce by asking officers in the cooperating departments, via various interviews and discussions with individuals and groups, including police advisory committees and police associations, to tell us of officer-situations which could have gone either way with regard to shooting, but actually went in the non-shoot direction. Among the informants were officers who engaged in encounters of that sort themselves. We accepted these as cases if the departmental documentation confirmed the descriptions of the officers. More generally, since it was obvious that this method is likely to produce irrelevant war-studies along with genuine wheat, we conducted a thorough evaluation of each described incident in terms of the formal departmental documents.

To supplement this means of achieving control, in one city we used a situationally based control group. In Newark, we fortunately (for research purposes) found a substantial number of cases where there was shooting by one

officer but not by the other officer present. The officers from many of these cases, both shooters and non-shooters, agreed to be interviewed.

Following the description of our selection methodology, we turn now to the actual interviews of shooters and non-shooters. These interviews, see Appendix D, focus on the officer participant's perceptions of the sequences of personal decisions, the factors that conditioned these decisions, and the resultant events that led to the use or non-use of deadly force. Specific attention was given to the interplay of the decision continuum and the perception of risk. The interview was also used to gather data related to the officer's activity prior to his or her initial involvement in the shooting or non-shooting situation that cannot be secured in any other manner, and the officer's description of the events that comprise the aftermath of the incident. Much of the factual data related to the incident was obtained from other data sources.

We attempted to interview all police officers who used deadly force during 1977, 1978, 1979 and part of 1980; non-shooters were selected on the basis of their activities over the same years.

The structured interviews, shown in Appendix D, were conducted by research team members and police officers. The numbers and percentages of those who accepted our invitations to be interviewed in each city were as follows:

1. Birmingham. The records showed 165 officers involved in shootings over the time period of concern. Only hits were recorded between January 1, 1977 and August 1, 1977; however, all purposeful shootings by police at individuals were available from August 1, 1977 to June 13, 1980.

That total was reduced to 81 after a review of the cases by the Police Department. The criterion used in the elimination of the 84 interviews was whether or not the Department saw the incident as significant. The insignificant shootings were referred to as "son of a bitch" shots. They occurred under the earlier common-law policy of Birmingham under conditions when an escaping felon was hundred of yards from the officer, and the officer shot out of sheer desperation (presumably mumbling "Son of a bitch!" as the shot occurred). On the basis of the 81 cases designated as significant, 63 (77.8%) of the officers agreed to be interviewed. Twenty-five non-shooting interviews were conducted.

2. Miami. A review of all purposeful shootings in Miami by police between January 1, 1977 and December 31, 1979 revealed 105 potential officer interviews. Sixty-nine participant officers (65.7%) agreed to be interviewed. The success rate was in reality considerably higher, 79.3% (69 of 87), since 18 involved officers had already left the Department and could not be conducted. Twenty non-shooting interviews were completed.
3. Oakland. Between January 1, 1977 and December 31, 1979, 63 Oakland police officers were involved in purposeful shooting situations. Fifty-two of these officers (82.5%) were interviewed. Only four officers refused to be interviewed. Five officers had left the Department

and could not be reached and the Department requested that two officers with medical problems not be contacted. Using a potential of 56 interviews then, the success rate was 92.9% (52 of 56). Twenty-four non-shooting interviews were conducted.

4. Newark. A total of 149 officers shot purposefully at citizens over the period of concern. The procedure for requesting officers to cooperate in the interviewing process, at the insistence of the Police Director, was by letter. There were 71 positive responses to the letter sent to the 149 officers. The attrition is not as bad as it seems since over 60 of the addressees were no longer with the department, with, in many cases, uncertain addresses. Of the 71 possible interviews only 42 were completed for such reasons as the following: the interviewer mistakenly used a shooting incident that occurred prior to January 1, 1977 (there were several multi-shooters in our Newark pool), a meeting arrangement could not be negotiated between interviewer and interviewee, and there were refusals despite the positive responses to the letter.

C. Critical Incident Analyses

At each of the four research sites, data were collected concerning relevant departmental personnel's knowledge and opinion of their deadly force policy. The officers were also required to apply their knowledge of departmental policy in choosing from a number of possible alternative courses

of action in response to the circumstances set forth in a series of locally designed deadly force-related critical incidents.

The Critical Incident Instrument was prepared in each jurisdiction by a staff member with the active participation of local officers. There necessarily was some variation in the instruments that were employed. In Birmingham, Miami, and Oakland, the designed instruments included a knowledge of policy phase, eight critical incidents, and an open-ended question regarding the officers' opinion of their present policy. In Newark a slightly different strategy was used. The instrument posed hypothetical critical incidents unique to Newark and asked whether the individual would use deadly force given New Jersey statute and Newark administrative policy. Further, the subject was asked what he thought other members of his unit would do in these potential deadly force situations. Officers were also asked to estimate the number of times they could have used deadly force.

In each city, the instrument was administered to the chief of police and sample populations of administrative and field commanders, patrol supervisors, officers assigned to specialized units, investigators, traffic officers, experienced and newly appointed patrol officers. In Miami, Newark and Oakland, the instruments were labeled by rank, unit and years of experience. The instruments of Miami and Oakland also include ethnic and sexual identifiers. Birmingham's instruments are labeled only by rank. These variations and the number of instruments collected on each site depended to a great degree upon local conditions and consultations between local officials and team members. In Miami and Oakland, a relatively small number of officers and men participated, 89 and 87 respectively, but the emphasis was on obtaining a variety of characteristics. The objective in Birmingham was to gather as many patrol personnel as possible (150 were obtained). In Newark, the research team

managed to collect 283 instruments with relevant information as to rank, work assignment, and years of service.

Appendix E contains the Critical Incident Instrument designed for use with the Miami Police Department. It was prepared under the policy guidelines in effect on May 15, 1980. The first five items tap knowledge of departmental policy, the next eight test the interpretation of the policy and the last item seeks the officer's attitude toward current policy. The critical incident survey instruments for Oakland, Birmingham, and Newark are in Appendices F, G, and H, respectively.

D. Statistical Data

Two levels of statistical data were collected at each research site. The first includes crime statistics (UCR Part I and, in some cities, selected other offenses, e.g., assaulting a police officer) arrests, citizen complaints, disciplinary filings and findings, and shootings. As originally planned, this information was to be collected on a monthly, city-wide basis for a minimum of five years. However, due to the limitations encountered in the available data in the four police departments not all of the data could be collected on a monthly basis for the period of time desired. While the Birmingham, Newark, and Miami Police Departments did keep crime statistics on a monthly basis for a minimum of 5 years, the Oakland Police Department retained only annual crime data. Birmingham did maintain monthly statistics regarding assaults on police officers, whereas the other three police departments did not. With the exception of the monthly records available in Newark, arrest statistics had to be collected on an annual basis. Citizen complaint statistics were available on a monthly basis in the cities of Oakland and Birmingham, while only a limited amount of annual data could be retrieved

from Miami and Newark. All statistics concerning disciplinary filings and findings are on an annual basis. In regard to shootings, monthly statistics were collected in all four cities. These data provide the basis for analysis of organizational, policy and procedural changes in the department in terms of effects on the use of deadly force.

The second level of statistical information encompasses crime data by area (UCR Part I, violent crimes, and for the City of Oakland, other selected offenses, e.g., weapons charges, resisting arrests, assaulting a police officer, narcotics charges, and arrests). The Oakland Police Department was able to provide extensive monthly information regarding crime data by specific reporting area. Birmingham maintained a more limited type of monthly crime statistics broken down by beat. Unfortunately, crime data by area or beat were unavailable in Miami and Newark.

E. Personnel Data

A wide range of personnel data were collected for each officer involved in a shooting or a non-shooting incident (see Appendix I). Personal data were also gathered on the participant subject, the individual who was the object of the police use of deadly force (see Appendix J). The police data falls into three categories--career-related, biographical, and psychological evaluations. The subject data consist of biographical information, and where applicable, criminal histories.

Police officer personnel data were collected for the period prior to the shooting incident and again for a period after the shooting.

F. Physical Environment at Time Incident

The official police case file was the major source of information concerning the circumstances of each shooting and non-shooting incident. Data

detailing the flow of events from the initial contact to its completion were collected and recorded on data-collection forms shown in Appendix K. The weapons used and extent of injuries were noted. Information concerning the participants, the physical environment, and the time-frame of the incident were recorded from these files.

G. Citizen Interviews

Marylander Marketing Research conducted a telephone interview for use with 450 residents of Los Angeles, 150 from a black community, 150 from a Latino community, and 150 from a white (but not Latino) community. The instrument, shown in Appendix P, elicited citizen attitudes regarding police use of deadly force, police discrimination, minority abuse by police, and preferred deadly force policy.

Design features were as follows.

1. Respondents were people 16 years of age and over. Within each of the three ethnic groups, half of the interviews were conducted with males and half with females.
2. Interviews took under 12 minutes each.
3. Participants from each ethnic group were selected from neighborhoods with a high incidence of that population segment. More specifically, the procedure for blacks and Hispanics was as follows:

- a. Zip codes from areas of Los Angeles City with high incidences of each ethnic group were selected (see Figure 1).

[INSERT FIGURE 1 HERE]

- b. Within those zip codes, streets were selected.
- c. Using street address phone books, telephone numbers were selected. One interview was completed per street within a given zip code.

Figure I. SHARE BLACK/SPANISH ORIGIN ZIP CODES
USED FOR BLACK AND HISPANIC SAMPLES

Black Sample		Spanish Origin Sample	
Zip Code	Share*	Zip Code	Share**
90001	90%+	90001	75%-89.9%
90002	90%+	90004	45%-59.9%
90003	90%+	90005	45%-59.9%
90007	90%+	90006	60%-74.9%
90008	90%+	90017	90%+
90011	90%+	90018	45%-59.9%
90016	90%+	90019	45%-59.9%
90018	90%+	90022	90%+
90019	90%+	90023	90%+
90036	45%-59.9%	90031	90%+
90037	90%+	90032	90%+
90043	90%+	90037	45%-59.9%
90044	90%+	90041	45%-59.9%
90047	90%+	90042	75%-89.9%
90058	75%-89.9%	90057	60%-74.9%
90059	90%+	90063	90%+
90061	90%+	91331	75%-89.9%
90062	90%+	91342	45%-59.9%

* Map - "Black persons as a Percent of the Total Population in the Los Angeles Five County Area by Census Tracts - 1980 Census", by the Western Economic Research Co.

** Map - "Persons of Spanish Origin as a Percent of the Total Population in the Los Angeles Five County Area by Census Tracts - 1980 Census", by the Western Economic Research Co.

The interviewer started with the first address and continued until a completed interview was obtained.

For Anglos, the sample was selected from throughout the City of Los Angeles from alphabetical phone directories using every nth name. Clearly, the selection procedure avoided the cost of screening for persons in the various ethnic groups from the general population. The answers to questionnaire items of blacks and Hispanics reflect, then, the attitudes of blacks in black areas and Hispanics in Hispanic areas, and not, except inferentially, blacks and Hispanics in general.

4. To help ensure a representative sample, the following "quality controls" were employed.
 - all interviewing took place in the late evenings of weekdays or any time on weekends
 - each interviewer was personally briefed by a senior member of MMK's staff and, in addition, received written instructions
 - bi-lingual interviewers were used for the Hispanic interviewing
5. At the conclusion of interviewing, about 20% of each interviewer's completed interviews were verified to determine the certain key procedures were followed.
6. Pure probability sampling was not used in the study. We had a very limited budget for the survey due to the dismal failure of Maurice Jackson in whom we invested over \$30,000 (as described in a Quarterly Report), and so we used a less costly approach that is widely used for commercial studies. It has been established that by using controls on selected

demographics--age and sex--and by interviewing at those time of day when most potential respondents are at home, a representative sample is obtained. No call-backs are made. This approach is widely used (far more so than probability sampling) because of its lower cost. MHB and other research suppliers have had opportunities to compare findings from studies conducted in this manner with those obtained from probability methods and the results are essentially the same.

7. The instructions given to the interviewers are shown in Figure 2.

[INSERT FIGURE 2 ABOUT HERE]

Finally, the biases that are inherent in the design of the study are as follows:

- a. People with unlisted phones were not contacted.
- b. Swing shift and night shift workers were less likely to be reached.
- c. Households without phones could not be reached (although the phone company claims 99% of all Los Angeles households have phones.)
- d. Persons in large households are understated since only one interview took place in a household.
- e. Persons who are seldom home are under-represented since no callbacks were made.

Figure II. INTERVIEWER INSTRUCTIONS

Study Purpose

The purpose of this research is to determine attitudes toward the use of deadly force by police among Anglos, Black, and Hispanics.

Qualified Respondent

A qualified respondent is a male or female 16 years of age and over who resides within the city of Los Angeles.

Quotas

Your quotas by age and sex are on the enclosed quota/ mailing form. It is very important that you complete your quota exactly as specified.

When to Interview

All interviewing must be conducted after 3:00 p.m. during the week and any time on the weekend.

Where to Interview

This study is to be conducted within the city of Los Angeles. You must not interview anyone who lives outside the city limits. Please be sure you are familiar with which prefixes are in Los Angeles, so that you do not make any errors. We cannot use questionnaires completed with respondents outside of the city of Los Angeles.

Timing

Interviewing is to be completed from Friday, May 15 through Friday, May 22. Your quota must be completed on time.

Telephone Sampling Instructions for Anglo Quota

You have been given specific page numbers for your directory. In the phone directory you are to begin calling two inches from the top of the first column of the assigned page; you are to continue dialing down the column in the phone book, go to the top of the second column, etc. until you complete one interview. If one of your assigned pages does not result in a completed interview, you are to go to the top of the very next page in the phone book and continue dialing.

Interviewers are to follow these instructions:

Figure II. Interviewer Instructions (con't.)

- one interview must be completed on each assigned page
- dial only toll free numbers
- dial only what appears to be residential listings
- dial each number only once--if it does not result in a completed interview, they are to go to the next phone number. They are not to make any callbacks. Even if they get a busy signal, they are simply to continue down the page.

Telephone Sampling Instructions for Black and Hispanic Quotas

You have been given xeroxed copies of reverse directory pages selected from neighborhoods with a high incidence of your ethnic group quota. You are to complete the number of interviews indicated on those sheets. We have a selection procedure which must be adhered to by all interviewers.

Materials Supplied

You have been supplied with the following materials... Please be sure you have everything.

- questionnaires
- telephone sampling instructions with page numbers
- quota/mailing form

Mailing

Interviewers are to mail first day's work to the supervisor as soon as it is completed. Thereafter, please mail every other day via First Class. With each package, interviewers are to include a quota mailing form which reflects what is in that package. Do not fail to fill out your quota mailing form correctly.

Confidentiality

As in all research studies, this one is confidential. If anyone asks you for whom you are doing this study, simply say MMR or Marylander Marketing Research.

Figure II. Interviewer Instructions (con't.)

Probing

The essence of good probing is the use of a neutral probe. Anything you say that gives a lead to the respondent will bias the results. You must ask questions that will not bias the answers.

You must recognize when an answer is vague or incomplete. If the respondent says she likes the color, you don't know exactly what she means. Does she like it because it's bright, soothing, reminds her of something else, is unusual, is familiar, or what? This is where probing comes in.

Here is an example of good neutral probing:

Interviewer: What, if anything, do you like about the product?

Respondent: The taste.

Interviewer: What do you mean by that?

Respondent: Well, the taste is pretty good.

Interviewer: Could you explain that a little more?

Respondent: Well, it's kind of sweet, and I like these when they're sweet. You know, it reminds me of an ice cream soda.

Interviewer: What else do you like about the product?

Respondent: That's all, the taste.

When recording a probe, enter the key word next to P. For example, the last probe in the example would be recorded...P Else? A question is fully probed when the respondent says "That's all" or "Nothing else". Recording this response indicates to us that the probing was thorough.

Handling the Questionnaire

- A. Circle the number next to the answer given by the respondent in the column of numbers with 1--rather than the answer itself.
- B. Read each question slowly and clearly. If the respondent cannot understand you, she won't be able to give you a good answer.
- C. When you begin the interview, fill in "Time Started", and remember to write in the time it ended when you have finished. Also, write in your name at the top of the first page on the line next to "Interviewer".
- D. Read the introduction verbatim. You are working for Marylander Marketing Research. Go right to the first question without pausing. This will cut down on you refusals.

Figure II. Interviewer Instructions (con't.)

- E. Each question must be read exactly as worded. Do not help the respondent out by changing the wording around. If the respondent asks what something means, repeat the question as worded and tell her whatever she thinks it means.

Handling the Questionnaire

- Q.1 Read list and circle the appropriate code number. Check to be sure age group is needed for quota. If not, terminate and reuse questionnaire.
- Q.2 Begin with red checked item. Read each item one at a time. Continue to the bottom of the list, then return to the top and ask for remaining items. Be sure to ask for all items. Repeat scale from time to time. Circle one code for each item.
- Q.2b Follow same instructions as for Q.2.
- Q.3 Circle the appropriate code number.
- Q.4 Read list and circle the appropriate code number. Encourage an answer; however, if respondent says "don't know", write in "don't know" to the left of the statements.
- Q.5 Probe for specifics (see probing instructions).
- Q.6 Circle the appropriate code number. If don't know, skip to Q.8; otherwise, ask Q.7.
- Q.7 Probe for specifics.
- Q.8 Circle the appropriate code number.
- Q.9 Circle the appropriate code number. If yes, ask Q.10; otherwise, skip to Q.11.
- Q.10 Probe for specifics.
- Q.11 Read each statement and circle the appropriate code number for each.
- Q.12 Circle the appropriate code number. If no, skip to Q.14; otherwise, ask Q.13.
- Q.13 Circle the appropriate code number.
- Q.14 Circle the appropriate code number.
- Q.15 Circle the appropriate code number. If no, skip to Q.17; otherwise, ask Q.16.
- Q.16 Circle the appropriate code number.
- Q.17 Circle the appropriate code number.

Figure II. Interviewer Instructions (con't.)

Q.18-19 Read list and circle the appropriate code number.

Q.20 Circle the appropriate code number. Prompt with Black, White, etc., only if necessary. If not prelisted, write in on line provided.

RECORD RESPONDENT'S NAME; ADDRESS, TELEPHONE NUMBER AND THE TIME THE INTERVIEW ENDED ON THE FIRST PAGE OF THE QUESTIONNAIRE. ALSO CIRCLE THE CODE FOR ETHNIC BACKGROUND AND SEX.

RESULTS

To put the analyses that follow in social, political, and historical perspective, we have prepared a description of the development of each of our four core cities. The emphasis in each description is, of course, upon matters that have direct implications for citizen-police interaction, but we have expanded the discussions at various points to provide fuller pictures of the cities. Appendix M contains the description of Oakland, Appendix N of Newark, Appendix O of Birmingham, and Appendix P of Miami.

The archival data and the results of interviews with public officials, community leaders, and police officials (see A and B.1. of the preceding Data Collection section of this Volume) were incorporated informally in Volume III of this Report, and will be given no further attention in this Volume.

Personal Data-Officer

In this section we will consider tabulations of various characteristics of officers--those who have shot and those who have not. It is important to note that the number of officers available for a given tabulation is a function of the source of the tabulation. That is, some of the data came from the interviews shown in Appendix D, while other data came from departmental files. For shooters, the latter pool is larger than the former since we attempted to get departmental information regarding a given officer whether he was or was not interviewed. The nature of the selection process for non-shooters made the pool based on departmental files identical to the pool based on interview response.

Table 1 shows the ranks of shooters and non-shooters over the four cities. It is not surprising that 86.7 percent of the combined group were patrol officers (87.6 percent of the shooters and 83.7 percent of the non-shooters).

TABLE 1. RANKS OF OFFICERS

Shoot

Rank	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
1.	49	120	77	92	338	
Police Officer	14.5	35.5	22.8	27.2	97.6	
	89.1	92.3	90.6	79.3		
2.	0	0	0	3	3	
PLC/SPEC/CPL	0.0	0.0	0.0	100.0	0.8	
	0.0	0.0	0.0	2.6		
3.	1	0	0	14	15	
Investigator	6.7	0.0	0.0	93.3	3.9	
	1.8	0.0	0.0	12.1		
4.	5	8	7	4	24	
Sargent	20.8	33.3	29.2	16.7	6.2	
	9.1	6.2	8.2	3.4		
5.	0	2	0	2	4	
Lieutenant	0.0	50.0	0.0	50.0	1.0	
	0.0	1.5	0.0	1.7		
7.	0	0	1	1	2	
Other	0.0	0.0	50.0	50.0	0.5	
	0.0	0.0	1.2	0.9		
Column Total	55	130	85	116	386	
	14.2	33.7	22.0	30.1	100.0	

Non-Shoot

Rank	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
1.	18	18	20	25	82	
Police Officer	22.0	22.0	24.4	31.7	83.7	
	78.3	78.3	95.2	83.9		
2.	0	0	0	1	1	
PLC/SPEC/CPL	0.0	0.0	0.0	100.0	1.0	
	0.0	0.0	0.0	3.2		
3.	0	1	0	2	3	
Investigator	0.0	33.3	0.0	66.7	3.1	
	0.0	4.3	0.0	6.5		
4.	4	3	1	0	8	
Sargent	50.0	37.5	12.5	0.0	6.2	
	17.4	13.0	4.8	0.0		
5.	1	0	0	0	1	
Lieutenant	100.0	0.0	0.0	0.0	1.0	
	4.3	0.0	0.0	0.0		
6.	0	1	0	0	1	
Captain	0.0	100.0	0.0	0.0	1.0	
	0.0	4.3	0.0	0.0		
7.	0	0	0	2	2	
Other	0.0	0.0	0.0	100.0	2.0	
	0.0	0.0	0.0	6.5		
Column Total	23	23	21	31	98	
	23.5	23.5	21.4	31.5	100.0	

Number of missing observations = 7

Table 2 shows the assignment of the officer at the time of the incident. As would be expected from the results shown in Table 1, most officers were on patrol assignment when the incident occurred (that is, 72.1 percent of the shooters and 67.0 percent of the non-shooters were on patrol assignment).

[INSERT TABLE 2 HERE]

Table 3 shows type of activity of the officer when the incident occurred. One is not surprised that the abundance of patrol officers in Tables 1 and 2 implies that most officers were actually on patrol (62.8 percent of shooters and 56.6 percent of non-shooters) when the incident occurred. Considering the findings of others (reported before), it is noteworthy that 15.0 percent of the shooters were off-duty.

[INSERT TABLE 3 HERE]

Table 4 shows weapons used by officers--which are handguns in the vast majority of cases (93.4 percent).

[INSERT TABLE 4 HERE]

Table 5 shows sex of officers and Table 6 ethnic identity of officers. Almost all officers were male, though the percentage of female shooters reached 5.4 percent in Birmingham, and the majority were Anglo (75.5 percent of shooters and 82.8 percent of non-shooters). The percentage of black shooters was relatively high in Newark (32.4 percent), while the percentage of Hispanic shooters was relatively high in Miami (22.1 percent). In 1979, the Miami department was about 19 percent Hispanic (68 percent white, 13 percent black) while the Newark department was approximately 11 percent black and 89 percent white. Corresponding figures for Birmingham and Oakland are, respectively: white 91 percent, black 9 percent, and white 64 percent, black 21 percent, Hispanic 8 percent, Asian 7 percent.

[INSERT TABLES 5 AND 6 HERE]

TABLE 2. ASSIGNMENT AT TIME OF INCIDENT

Shoot

	Count	City				Row Total	
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ		
Assignment	Row %	Col %	1.	2.	3.	4.	Row Total
Patrol	1.		43	102	51	73	269
			16.0	37.9	19.0	27.1	72.1
			78.2	78.5	62.2	68.9	
Traffic	2.		1	1	1	0	3
			33.3	33.3	33.3	0.0	0.8
			1.8	0.8	1.2	0.0	
Specialized unit	3.		8	15	22	14	59
			13.6	25.4	77.3	23.7	15.8
			14.5	11.5	26.8	13.2	
Investigations	4.		2	0	5	16	23
			8.7	0.0	21.7	69.6	6.2
			3.6	0.0	6.1	15.1	
Other	5.		1	12	3	3	19
			5.3	63.2	15.8	15.8	5.1
			1.8	9.2	3.7	2.8	
Column Total		55	130	82	106	373	
		14.7	34.9	22.0	28.4	100.0	

Non-Shoot

	Count	City				Row Total	
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ		
Assignment	Row %	Col %	1.	2.	3.	4.	Row Total
Patrol	1.		14	19	14	19	65
			21.5	27.7	21.5	29.2	67.0
			60.9	78.3	66.7	63.3	
Traffic	2.		1	0	0	1	2
			50.0	0.0	0.0	50.0	2.1
			4.3	0.0	0.0	3.3	
Specialized Unit	3.		3	1	7	8	19
			15.9	5.3	36.8	42.1	19.6
			13.0	4.3	33.3	26.7	
Investigations	4.		3	2	0	1	6
			50.0	33.3	0.0	16.7	6.2
			13.0	8.7	0.0	3.3	
Other	5.		2	2	0	1	5
			40.0	40.0	0.0	20.0	5.2
			8.7	8.7	0.0	3.3	
Column Total		23	23	21	30	97	
		23.7	23.7	21.6	30.9	100.0	

Number of missing observations = 21

TABLE 3. ACTIVITY AT TIME OF INCIDENT

Shoot

Activity	Count	City				Row Total	
		Row %	Oakland, CA	Birmingham, AL	Miami, FL		Newark, NJ
		Col %	1.	2.	3.		4.
General Patrol	1.	37	100	53	48	238	
		15.5	42.0	22.3	20.2	62.9	
		67.3	76.9	62.4	44.0		
Specialized Patrol	2.	2	3	1	14	20	
		10.0	15.0	5.0	70.0	5.3	
		3.6	2.3	1.2	12.8		
Plainclothes	3.	2	6	3	2	13	
		15.4	46.2	23.1	15.4	3.4	
		3.6	4.6	3.5	1.8		
Stake-out	4.	0	2	8	1	11	
		0.0	18.2	72.7	9.1	2.9	
		0.0	1.5	9.4	0.9		
Traffic	5.	0	1	0	0	1	
		0.0	100.0	0.0	0.0	0.3	
		0.0	0.8	0.0	0.0		
Investigations	6.	0	1	7	11	19	
		0.0	5.3	36.8	57.9	5.0	
		0.0	0.8	8.2	10.1		
Off-duty	7.	6	13	7	31	57	
		10.5	22.8	12.3	54.4	15.0	
		10.9	10.0	8.2	28.4		
Other	9.	8	4	6	2	20	
		40.0	20.0	30.0	10.0	5.3	
		14.5	3.1	7.1	1.8		
Column Total		55	130	85	109	379	
		14.5	34.3	22.4	28.8	100.0	

Non-Shoot

Activity	Count	City				Row Total	
		Row %	Oakland, CA	Birmingham, AL	Miami, FL		Newark, NJ
		Col %	1.	2.	3.		4.
General Patrol	1.	12	16	14	14	56	
		21.4	28.6	25.0	25.0	56.6	
		52.2	69.5	66.7	43.9		
Specialized Patrol	2.	0	0	1	4	5	
		0.0	0.0	20.0	30.0	5.1	
		0.0	0.0	4.8	12.5		
Plainclothes	3.	0	1	1	2	4	
		0.0	25.0	25.0	50.0	4.0	
		0.0	4.3	4.9	6.3		
Stake-out	4.	0	0	3	1	4	
		0.0	0.0	75.0	25.0	4.0	
		0.0	0.0	14.3	3.1		
Traffic	5.	1	1	0	1	3	
		33.3	33.3	0.0	33.3	3.0	
		4.3	4.3	0.0	3.1		
Investigations	6.	2	1	1	2	6	
		30.0	12.5	12.5	25.0	6.1	
		17.4	4.7	4.9	6.3		
Off-duty	7.	1	1	0	4	6	
		16.7	16.7	0.0	66.7	6.1	
		4.3	4.3	0.0	12.5		
Other	9.	5	3	1	4	13	
		38.5	23.1	7.7	33.3	13.1	
		21.7	13.0	4.3	12.5		
Column Total		23	23	21	32	99	
		23.2	23.2	21.2	32.3	100.0	

TABLE 4. WEAPON USED IN SHOOTING CASES

Weapon	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	1.	2.	3.	4.		
Handgun	47	116	83	110	356	
	13.2	32.6	23.3	30.9	93.4	
	85.5	89.9	97.6	98.2		
Shotgun	8	13	2	2	25	
	32.0	52.0	8.0	8.0	6.6	
	14.5	10.1	2.4	1.8		
Column Total	55	129	85	112	381	
	14.4	33.9	22.3	29.4	100.0	

Number of missing observations = 109

TABLE 5. SEX DISTRIBUTION OF OFFICERS

Shoot

		<u>City</u>					
		Count				Row	
		Row %	Oakland,	Birming-	Miami,FL	Newark,	Total
		Col %	CA	ham, AL		NJ	
			1.:	2.:	3.:	4.:	
<u>Sex</u>							
	1.	54	123	83	119	379	
Male		14.2	32.5	21.9	31.4	97.2	
		98.2	94.6	96.5	100.0		
	2.	1	7	3	0	11	
Female		9.1	63.6	27.3	0.0	2.8	
		1.8	5.4	3.5	0.0		
	Column Total	55	130	86	119	390	
		14.1	33.3	22.1	30.5	100.0	

Non-Shoot

		<u>City</u>					
		Count				Row	
		Row %	Oakland,	Birming-	Miami,FL	Newark,	Total
		Col %	CA	ham, AL		NJ	
			1.:	2.:	3.:	4.:	
<u>Sex</u>							
	1.	22	22	21	34	99	
Male		22.2	22.2	21.2	34.3	98.0	
		95.7	95.7	100.0	100.0		
	2.	1	1	0	0	2	
Female		50.0	50.0	0.0	0.0	2.0	
		4.3	4.3	0.0	0.0	.	
	Column Total	23	23	21	34	101	
		22.8	22.8	20.8	33.7	100.0	

TABLE 6. ETHNIC IDENTITY OF OFFICERS

Shoot

Ethnicity	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
Caucasian	1.	38	113	64	69	284
		13.4	39.8	22.5	24.3	75.5
		69.1	86.9	74.4	65.7	
Black	2.	10	16	3	34	63
		15.9	25.4	4.8	54.0	16.8
		18.2	12.3	3.5	32.4	
Hispanic	3.	2	0	19	2	23
		8.7	0.0	82.6	8.7	6.1
		3.6	0.0	22.1	1.9	
Asian	4.	5	1	0	0	6
		83.3	16.7	0.0	0.0	1.6
		9.1	0.8	0.0	0.0	
Column Total		55	130	86	105	376
		14.6	34.6	22.9	27.9	100.0

Non-Shoot

Ethnicity	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
Caucasian	1.	16	22	16	28	82
		19.5	26.8	19.5	34.1	82.8
		69.6	95.7	80.0	84.8	
Black	2.	4	1	3	5	13
		30.8	7.7	23.1	38.5	13.1
		17.4	4.3	15.0	15.2	
Hispanic	3.	2	0	1	0	3
		66.7	0.0	33.3	0.0	3.0
		8.7	0.0	5.0	0.0	
Asian	4.	1	0	0	0	1
		100.0	0.0	0.0	0.0	1.0
		4.3	0.0	0.0	0.0	
Column Total		23	23	20	33	99
		23.2	23.2	20.2	33.3	100.0

Number of missing observations = 16

Table 7 shows the age distribution of officers, Table 8 the weight distribution, and Table 9 the height distribution. A bit under half of the shooters (47.1 percent) fall in the age range 31-40. Perhaps the most significant aspect of Tables 8 and 9 is that the shooters in Miami tend to be shorter and lighter than in the other cities. That would seem to reflect the greater proportion of Hispanics among them.

The evidence shows no substantial differences between "shooters" and "non-shooters" on the characteristics shown in Tables 7, 8, and 9. Interestingly, there are no indicators that short officers or officers lighter in weight are more likely to shoot than taller or heavier officers, and there was a somewhat higher representation of black officers among "non-shooters" than among "shooters," and the opposite for Hispanic officers.

[INSERT TABLES 7, 8, and 9 HERE]

Table 10 shows occupational classification of each officer's father. As typically found in police studies, almost half of the fathers had blue collar jobs. But almost 15 percent of the shooters had fathers who were police officers or in the military.

[INSERT TABLE 10 HERE]

Table 11 shows educational levels reached by officers. The modal category for shooters is some college credit without an earned degree (42.6 percent). Non-shooters have the same modal category, though it is less predominant. There seems to be a substantial difference between the educational levels of shooters and non-shooters. For example, 17.5 percent of shooters had only a high school diploma or less education while only 3.0 percent of the non-shooters had only a high school diploma. And almost one-third (31.3 percent) of the shooters have a bachelor's degree, while

TABLE 7. AGE DISTRIBUTION OF OFFICERS

Shoot

Age	Count	City				Row Total
		Row %	Birmingham, AL	Miami, FL	Newark, NJ	
		Col %	1.	2.	3.	
21-25	1.	2	18	10	2	32
		6.3	56.3	31.3	6.3	8.6
		3.6	14.0	11.6	1.9	
26-30	2.	20	41	43	18	122
		16.4	33.6	35.2	14.8	32.6
		36.4	31.8	50.0	17.3	
31-40	3.	30	62	28	56	176
		17.0	35.2	15.9	31.8	47.1
		54.5	48.1	32.6	53.8	
41-50	4.	3	6	3	21	33
		9.1	18.2	9.1	63.6	8.8
		5.5	4.7	3.5	20.2	
51 and over	5.	0	2	2	7	11
		0.0	18.2	18.2	63.6	24.9
		0.0	1.6	2.3	6.7	
Column Total		55	129	86	104	374
		14.7	34.5	23.0	27.8	100.0

Non-Shoot

Age	Count	City				Row Total
		Row %	Birmingham, AL	Miami, FL	Newark, NJ	
		Col %	1.	2.	3.	
21-25	1.	3	0	0	0	3
		100.0	0.0	0.0	0.0	3.1
		13.0	0.0	0.0	0.0	
26-30	2.	5	9	12	13	39
		12.5	23.1	30.3	33.3	39.8
		21.7	39.1	57.1	41.9	
31-40	3.	12	10	9	12	43
		27.9	23.3	20.9	27.9	43.9
		52.2	43.5	42.9	38.7	
41-50	4.	3	2	0	3	8
		37.5	25.0	0.0	37.5	8.2
		13.0	8.7	0.0	9.7	
51 and over	5.	0	2	0	3	5
		0.0	40.0	0.0	60.0	5.1
		0.0	8.7	0.0	9.7	
Column Total		23	23	21	31	98
		23.5	23.5	21.2	31.6	100.0

Number of missing observations. * 19

TABLE 8. WEIGHT DISTRIBUTION OF OFFICERS

Shoot

Weight	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	Row %	1.	2.	3.	4.	
100-150 lbs.	2.	6	6	20	20	52
		11.5	11.5	38.5	38.5	14.1
		10.9	4.7	23.5	20.0	
151-175 lbs.	3.	9	67	26	38	140
		6.4	47.9	18.6	27.1	38.0
		16.4	52.3	30.6	38.0	
176-200 lbs.	4.	30	45	34	26	135
		22.2	33.3	25.2	19.3	36.7
		54.5	35.2	40.0	26.0	
201-225 lbs.	5.	9	7	5	15	36
		25.0	19.4	13.9	41.7	9.8
		16.4	5.5	5.9	15.0	
226 and over	6.	1	3	0	1	5
		20.0	63.0	0.0	20.0	1.4
		1.8	2.3	0.0	1.0	
	Column Total	55	128	85	100	368
		14.9	34.8	23.1	27.2	100.0

Non-Shoot

Weight	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	Row %	1.	2.	3.	4.	
100-150 lbs.	2.	2	2	4	0	8
		25.0	25.0	50.0	0.0	8.2
		8.7	8.7	19.0	0.0	
151-175 lbs.	3.	9	1	10	12	32
		28.1	3.1	31.3	37.5	33.0
		39.1	4.3	47.6	40.0	
176-200 lbs.	4.	8	14	5	15	43
		18.6	32.6	14.0	34.9	44.3
		34.8	60.9	28.6	50.0	
201-225 lbs.	5.	2	5	1	3	11
		18.2	45.5	9.1	27.3	11.3
		8.7	21.7	4.8	10.0	
226 and over	6.	2	1	0	0	3
		66.7	33.3	0.0	0.0	3.1
		2.7	4.3	0.0	0.0	
	Column Total	23	23	21	30	97
		23.7	23.7	21.6	30.9	100.0

Number of missing observations = 26

TABLE 9. HEIGHT DISTRIBUTION OF OFFICERS

Shoot

Height	Count	City				Row Total	
		Row %	Oakland, CA	Birmingham, AL	Miami, FL		Newark, NJ
		Col %	1.	2.	3.		4.
5'0''-5'5''	2.	0	4	5	0	9	
		0.0	44.4	55.6	0.0	2.5	
		0.0	3.1	6.0	0.0		
5'6''-5'10''	3.	17	46	47	62	172	
		9.9	26.7	27.3	36.0	47.3	
		30.9	35.9	56.0	63.9		
5'11''-6'2''	4.	34	75	29	28	166	
		20.5	45.2	17.5	16.9	45.6	
		61.8	58.6	34.5	28.9		
6'3''-6'6''	5.	3	3	3	7	16	
		18.8	18.8	18.8	43.8	4.4	
		5.5	2.3	3.6	7.2		
6'7'' and over	6.	1	0	0	0	1	
		100.0	0.0	0.0	0.0	0.3	
		1.8	0.0	0.0	0.0		
Column Total		55	128	84	97	364	
		15.1	35.2	23.1	26.6	100.0	

Non-Shoot

Height	Count	City				Row Total	
		Row %	Oakland, CA	Birmingham, AL	Miami, FL		Newark, NJ
		Col %	1.	2.	3.		4.
5'0''-5'5''	2.	0	1	1	0	2	
		0.0	50.0	50.0	0.0	2.1	
		0.0	4.3	4.8	0.0		
5'6''-5'10''	3.	9	5	13	14	41	
		22.0	12.2	31.7	34.1	42.3	
		39.1	21.7	61.9	46.7		
5'11''-6'2''	4.	12	14	7	16	49	
		24.5	28.6	14.3	32.7	50.5	
		52.2	60.9	33.3	53.3		
6'3''-6'6''	5.	2	3	0	0	5	
		40.0	60.0	0.0	0.0	5.2	
		8.7	13.0	0.0	0.0		
Column Total		23	23	21	30	97	
		23.7	23.7	21.6	30.9	100.0	

Number of missing observations = 30

TABLE 10. OCCUPATION OF OFFICER'S FATHER

Shoot

Father's Occupation	City			Row Total
	Count	Oakland, CA	Birmingham, AL	
1. Professional	6	6	6	18
	33.3	33.3	33.3	11.7
	13.6	11.1	10.7	
2. White Collar	4	4	10	18
	22.2	22.2	55.6	11.7
	9.1	7.4	17.9	
3. Blue Collar	21	28	18	67
	31.3	41.8	25.9	43.5
	47.7	51.9	32.1	
4. Other	4	3	6	13
	30.8	23.1	46.2	8.4
	9.1	5.6	10.7	
5. Military	5	3	7	15
	33.3	20.0	46.7	9.7
	11.4	5.6	12.5	
6. Police	2	4	2	8
	25.0	50.0	25.0	5.2
	4.5	7.4	3.6	
7. Managerial	2	6	7	15
	13.3	40.0	46.7	9.7
	4.5	11.1	12.5	
Column Total	44	54	56	154
	28.6	35.1	36.4	100.0

Non-Shoot

Father's Occupation	City			Row Total
	Count	Oakland, CA	Birmingham, AL	
1. Professional	3	1	2	6
	50.0	16.7	33.3	9.1
	13.0	4.5	9.5	
2. White Collar	2	3	6	11
	18.2	27.3	54.5	16.7
	8.7	13.6	29.6	
3. Blue Collar	11	14	6	31
	35.5	45.2	15.4	47.0
	47.8	63.6	23.6	
4. Other	3	1	3	7
	42.9	14.3	42.9	10.6
	13.0	4.5	14.3	
5. Military	2	0	2	4
	50.0	0.0	50.0	6.1
	8.7	0.0	9.5	
6. Police	0	0	1	1
	0.0	0.0	100.0	1.5
	0.0	0.0	4.8	
7. Managerial	2	3	1	6
	33.3	50.0	16.7	9.1
	8.7	13.5	4.5	
Column Total	23	22	21	66
	34.8	33.3	31.3	100.0

Number of missing observations = 271

only 15.9 percent of the shooters have the degree. We do not have the educational information for the Newark officers.

[INSERT TABLE 11 HERE]

Table 12 contains the numbers of years each officer was in police service at the time of the incident. The interval 6-10 years is the modal category for both groups. Overall, the shooters seem to have less experience.

[INSERT TABLE 12 HERE]

Work evaluations are shown in Tables 13 and 14, the former representing performance prior to the incident and the latter performance subsequent to the incident. There is a slight drop in the overall evaluation of shooters between these times (high 62.7 percent vs. 59.5 percent and low 2.1 percent vs. 6.2 percent). The change while in the same direction, is a good deal less for non-shooters.

[INSERT TABLES 13 and 14 HERE]

Productivity, in terms of arrests and citations, is presented in Tables 15 and 16, the former showing productivity prior to the incident and the latter productivity subsequent to the incident. Both shooters and non-shooters show drops in productivity after the incident. That tendency for shooters is particularly conspicuous in Birmingham, where the productivity was conspicuously low even before the incident (high 21.6 percent, average 29.9 percent, and low 57.1 percent) before the incident and 15.4 percent, 22.9 percent, and 64.5 percent, respectively, after the incident.

[INSERT TABLES 15 AND 16 HERE]

Meritorious conduct, as measured by letters of commendation from citizens, is presented in Tables 17 and 18; meritorious conduct, as measured by departmental commendations, is shown in Tables 19 and 20; and meritorious conduct, as measured by awards for bravery, is shown in Tables 21 and 22.

TABLE 11. OFFICER'S EDUCATIONAL BACKGROUND

Shoot

Education	Count	City			Row Total	
		Row %	Oakland, CA	Birmingham, AL		Miami, FL
		Col %	1.	2.		3.
No H.S. Diploma	1.	3	66.7	33.3	0.0	1.2
			3.7	0.3	0.0	
High School Diploma	2.	41	14.6	51.2	34.1	15.3
			11.1	16.5	20.0	
College Credits	3.	107	17	73	17	42.6
			15.9	68.2	15.9	
			31.5	57.5	24.3	
Associate Degree	4.	47	14	10	23	18.7
			29.8	21.3	48.9	
			25.9	7.9	32.9	
Bachelor's Degree	5.	40	15	12	13	15.9
			37.5	30.0	32.5	
			27.3	9.4	18.6	
Graduate Credits	6.	11	0	8	3	4.4
			0.0	72.7	27.3	
			0.0	6.3	4.3	
Advanced Degree	7.	2	0	2	0	0.3
			0.0	100.0	0.0	
			0.0	1.6	3.0	
Column Total		251	54	127	70	100.0
			21.5	50.6	27.9	

Non-Shoot

Education	Count	City			Row Total	
		Row %	Oakland, CA	Birmingham, AL		Miami, FL
		Col %	1.	2.		3.
High School Diploma	2.	2	0	1	1	3.0
			0.0	50.0	50.0	
			0.0	4.3	4.3	
College Credits	3.	23	9	8	6	34.3
			39.1	34.8	26.1	
			39.1	34.3	28.6	
Associate Degree	4.	14	3	4	7	20.9
			21.4	28.6	50.0	
			13.0	17.4	33.3	
Bachelor's Degree	5.	21	7	7	7	31.3
			33.3	33.3	33.3	
			30.4	30.4	33.3	
Graduate Credits	6.	5	2	3	0	7.5
			40.0	60.0	0.0	
			3.7	13.0	0.0	
Advanced Degree	7.	3	2	0	0	3.0
			100.0	0.0	0.0	
			3.7	0.0	0.0	
Column Total		57	23	23	11	100.0
			34.3	34.3	31.3	

Number of missing observations = 173

TABLE 12. YEARS AS A POLICE OFFICER

Shoot

Years as a Police Officer	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
1-2 Years	1.	7 15.6 13.0	28 62.2 21.7	10 22.2 11.9	0 0.0 0.0	45 14.5
3-5 Years	2.	16 19.3 29.6	36 43.4 27.9	24 28.9 28.6	7 8.4 15.9	83 26.7
6-10 Years	3.	19 15.4 35.2	43 35.0 33.3	37 30.1 44.0	24 19.5 54.5	123 39.5
11-15 Years	4.	10 23.3 18.5	15 34.9 11.6	8 18.6 9.5	10 23.3 22.7	43 13.8
16-20 Years	5.	0 0.0 0.0	2 33.3 1.6	3 50.0 3.6	1 15.7 2.3	6 1.9
21 Years & over	6.	2 18.2 3.7	5 45.5 3.9	2 18.2 2.4	2 18.2 4.5	11 3.5
Column Total		54 17.4	129 41.5	84 27.0	44 14.1	311 100.0

Non-Shoot

Years as a Police Officer	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
1-2 Years	1.	4 66.7 17.4	2 33.3 8.7	0 0.0 0.0	0 0.0 0.0	6 7.2
3-5 Years	2.	4 30.8 17.4	7 53.8 30.4	2 15.4 9.5	0 0.0 0.0	13 15.7
6-10 Years	3.	6 14.6 25.1	7 17.1 30.4	18 43.9 85.7	10 24.4 62.5	41 49.4
11-15 Years	4.	6 46.2 25.1	4 30.8 17.4	1 7.7 4.8	2 15.4 12.5	13 15.7
16-20 Years	5.	3 50.0 13.0	1 16.7 4.3	0 0.0 0.0	2 33.3 12.5	6 7.2
21 Years & over	6.	0 0.0 0.0	2 50.0 8.7	0 0.0 0.0	2 50.0 12.5	4 4.3
Column Total		23 27.7	23 27.7	21 25.3	16 19.3	83 100.0

TABLE 13. OFFICER'S WORK EVALUATIONS [RELATIVE TO OTHERS IN THE DEPARTMENT] AT THE TIME OF THE INCIDENT

Shoot

	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
Work Evaluation		1.	2.	3.	4.	
High	1.	34	71	62	11	178
		19.1	39.9	34.8	6.2	62.7
		61.8	55.5	72.9	68.8	
Average	2.	17	55	23	5	100
		17.0	55.0	23.0	5.0	35.2
		30.9	43.0	27.1	31.3	
Low	3.	4	2	0	0	6
		66.7	33.3	0.0	0.0	2.1
		7.3	1.6	0.0	0.0	
Column Total		55	128	85	16	284
		19.4	45.1	29.9	5.6	100.0

Non-Shoot

	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
Work Evaluation		1.	2.	3.	4.	
HIGH	1.	13	13	17	9	52
		25.0	25.0	32.7	17.3	65.8
		56.5	56.5	81.0	75.0	
AVERAGE	2.	10	10	4	3	27
		37.0	37.0	14.8	11.1	34.2
		43.5	43.5	19.0	25.0	
Column Total		23	23	21	12	79
		29.1	29.1	26.6	15.2	100.0

Number of missing observations = 128

TABLE 14. OFFICER'S WORK EVALUATIONS SINCE THE INCIDENT

Shoot

Work Evaluation	Count	City				Row Total
		Oakland, CA	Birming- ham, AL	Miami,FL	Newark, NJ	
	1.	2.	3.	4.		
HIGH	37	57	65	14	173	
	21.4	32.9	37.6	8.1	59.5	
	67.3	44.2	76.5	63.6		
AVERAGE	17	64	14	5	100	
	17.0	64.0	14.0	5.0	34.4	
	30.9	49.6	16.5	22.7		
LOW	1	8	6	3	18	
	5.6	44.4	33.3	16.7	6.2	
	1.8	46.2	7.1	13.6		
Column Total	55	129	85	22	291	
	18.9	44.3	29.2	7.6	100.0	

Non-Shoot

Work Evaluation	Count	City				Row Total
		Oakland, CA	Birming- ham, AL	Miami,FL	Newark, NJ	
	1.	2.	3.	4.		
High	16	12	13	11	52	
	30.8	23.1	25.0	21.2	63.4	
	69.6	52.2	61.9	73.3		
Average	7	10	8	4	29	
	24.1	34.5	27.6	13.8	35.4	
	30.4	43.5	38.1	26.7		
Low	0	1	0	0	1	
	0.0	100.0	0.0	0.0	1.2	
	0.0	4.3	0.0	0.0		
Column Total	23	23	21	15	82	
	28.0	28.0	25.6	18.3	100.0	

Number of missing observations = 118

TABLE 15. OFFICER'S PRODUCTIVITY (ARRESTS AND CITATIONS)
AT THE TIME OF THE INCIDENT

Shoot

	Count	<u>City</u>				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.:	2.:	3.:	4.:	
<u>Productivity</u>						
High	1.	16 18.2 30.2	19 21.6 26.0	43 51.1 52.9	8 9.1 61.5	88 39.3
Average	2.	25 28.7 47.2	26 29.9 35.6	32 36.8 37.6	4 4.6 30.8	87 38.8
Low	3.	12 24.5 22.6	28 57.1 38.4	8 16.3 9.4	1 2.0 7.7	49 21.9
	Column Total	53 23.7	73 32.6	85 37.9	13 5.8	224 100.0

Non-Shoot

	Count	<u>City</u>				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.:	2.:	3.:	4.:	
<u>Productivity</u>						
High	1.	13 31.7 56.5	2 4.9 8.7	16 39.0 76.2	10 24.4 90.9	41 52.6
Average	2.	9 33.3 39.1	12 44.4 52.2	5 18.5 23.8	1 3.7 9.1	27 34.6
Low	3.	1 10.0 4.3	9 90.0 39.1	0 0.0 0.0	0 0.0 0.0	10 12.8
	Column Total	23 29.5	23 29.5	21 26.9	11 14.1	78 100.0

Number of missing observations = 189

TABLE 16. OFFICER'S PRODUCTIVITY (ARRESTS AND CITATIONS)
SINCE THE INCIDENTShoot

		<u>City</u>					
		Count				Row	
		Row %	Oakland,	Birming-	Miami,FL	Newark,	Total
		Col %	CA	ham, AL		NJ	
			1.:	2.:	3.:	4.:	
<u>Productivity</u>							
High	1.	17	14	46	14	91	
		18.7	15.4	50.5	15.4	38.6	
		30.9	19.2	54.1	60.9		
Average	2.	27	19	30	7	83	
		32.5	22.9	36.1	8.4	35.2	
		49.1	26.0	35.3	30.4		
Low	3.	11	40	9	2	62	
		17.7	64.5	14.5	3.2	26.3	
		20.0	54.8	10.6	8.7		
Column Total		55	73	85	23	236	
		23.3	30.9	36.0	9.7	100.0	

Non-Shoot

		<u>City</u>					
		Count				Row	
		Row %	Oakland,	Birming-	Miami,FL	Newark,	Total
		Col %	CA	ham, AL		NJ	
			1.:	2.:	3.:	4.:	
<u>Productivity</u>							
High	1.	13	2	12	12	39	
		33.3	5.1	30.8	30.8	47.6	
		56.5	8.7	57.1	80.0		
Average	2.	8	9	9	3	29	
		27.6	31.0	31.0	10.3	35.4	
		34.8	39.1	42.9	20.0		
Low	3.	2	12	0	0	14	
		14.3	85.7	0.0	0.0	17.1	
		8.7	52.2	0.0	0.0		
Column Total		23	23	21	15	82	
		28.0	28.0	25.6	18.3	100.0	

Number of missing observations = 173

In each of these three pairings of tables, the first reflects meritorious conduct prior to the incident and the second meritorious conduct after the incident. Due to differences in durations of time, before and after comparisons, like those above for work evaluation and productivity, are not meaningful.

[INSERT TABLES 17, 18, 19, 20, 21, AND 22 HERE]

Unsatisfactory conduct, as measured by citizen complaints, is shown in Tables 23 and 24; and unsatisfactory conduct as measured by departmental disciplinary findings, is shown in Tables 25 and 26. As before, the first table in each pair reflects conduct before the incident and the second table conduct after the incident. Comparing the full set of conduct evaluators, Tables 17 through 26, non-shooters have (with minor exceptions) better records than shooters. It would seem significant that seven shooters (but no non-shooters) had seven or more formal disciplinary findings against them (indeed two officers had 11 or more) prior to the incident, and two shooters had seven or more after the incident.

[INSERT TABLES 23, 24, 25, AND 26 HERE]

Table 27 shows previous shooting incidents of the officers within a five-year period. Seven percent of the shooters and 5.1 percent of the non-shooters were in three or more prior shootings, and 63.4 percent of the shooters (43.8 percent of the non-shooters) were in one or two prior shootings. Adding the figures produces a 70.4 percent previous shooting rate for shooters (48.9 percent for non-shooters). In Miami, every shooter had shot before, in Newark, only two of 113 shooters had not shot before.

[INSERT TABLE 27 HERE]

TABLE 17. OFFICER'S MERITORIOUS CONDUCT AT TIME OF INCIDENT:
NUMBER OF LETTERS OF COMMENDATION FROM CITIZENS

Shoot

<u>Number of Letters</u>	Count	<u>City</u>				Row Total	
		Row %	Oakland,	Birming-	Miami,FL		Newark,
		Col %	CA	ham, AL			NJ
		1.:	2.:	3.:	4.:		
0	1.	8	39	8	76	131	
		6.1	29.8	6.1	58.0	36.8	
		14.8	30.2	9.5	85.4		
1-5	2.	36	72	46	13	167	
		21.6	43.1	27.5	7.8	46.9	
		66.7	55.8	54.8	14.6		
6-10	3.	9	18	18	0	45	
		20.0	40.0	40.0	0.0	12.6	
		16.7	14.0	21.4	0.0		
11 and over	4.	1	0	12	0	13	
		7.7	0.0	92.3	0.0	3.7	
		1.9	0.0	14.3	0.0		
	Column Total	54	129	84	89	356	
		15.2	36.2	23.6	25.0	100.0	

Non-Shoot

<u>Number of Letters</u>	Count	<u>City</u>				Row Total	
		Row %	Oakland,	Birming-	Miami,FL		Newark,
		Col %	CA	ham, AL			NJ
		1.:	2.:	3.:	4.:		
0	1.	7	7	1	8	23	
		30.4	30.4	4.3	34.8	23.2	
		30.4	30.4	4.8	25.0		
1-5	2.	11	12	14	24	61	
		18.0	19.7	23.0	39.3	61.6	
		47.8	52.2	66.7	75.0		
6-10	3.	4	3	3	0	10	
		40.0	30.0	30.0	0.0	10.1	
		17.4	13.0	14.3	0.0		
11 and over	4.	1	1	3	0	5	
		20.0	20.0	60.0	0.0	5.1	
		4.3	4.3	14.3	0.0		
	Column Total	23	23	21	32	99	
		23.2	23.2	21.2	32.3	100.0	

Number of missing observations = 36

TABLE 18. OFFICER'S MERITORIOUS CONDUCT SINCE INCIDENT:
NUMBER OF LETTERS OF COMMENDATION FROM CITIZENS

Shoot

Number of Letters	Count	City				Row Total
		Oakland, CA	Birming- ham, AL	Miami,FL	Newark, NJ	
	1.	2.	3.	4.		
0	9	47	16	104	176	
	5.1	26.7	9.1	59.1	46.6	
	17.0	36.4	18.8	93.7		
1-5	35	80	60	7	182	
	19.2	44.0	33.0	3.8	48.1	
	66.0	62.0	70.6	6.3		
6-10	8	1	6	0	15	
	53.3	6.7	40.0	0.0	4.0	
	15.1	0.8	7.1	0.0		
11 and over	1	1	3	0	5	
	20.0	20.0	60.0	0.0	1.3	
	1.9	0.8	3.5	0.0		
Column Total	53	129	85	111	378	
	14.0	34.1	22.5	29.4	100.0	

Non-Shoot

Number of Letters	Count	City				Row Total
		Oakland, CA	Birming- ham, AL	Miami,FL	Newark, NJ	
	1.	2.	3.	4.		
0	13	15	3	17	48	
	27.1	31.3	6.3	35.4	48.5	
	56.5	65.2	15.0	51.5		
1-5	8	7	16	16	47	
	17.0	14.9	34.0	34.0	47.5	
	34.8	30.4	80.0	48.5		
6-10	1	0	0	0	1	
	100.0	0.0	0.0	0.0	1.0	
	4.3	0.0	0.0	0.0		
11 and over	1	1	1	0	3	
	33.3	33.3	33.3	0.0	3.0	
	4.3	4.3	5.0	0.0		
Column Total	23	23	20	33	99	
	23.2	23.2	20.2	33.3	100.0	

Number of missing observations = 14

TABLE 19. OFFICER'S MERITORIOUS CONDUCT AT TIME OF INCIDENT:
NUMBER OF COMMENDATIONS FROM DEPARTMENTShoot

Number of Commendations	Count	City				Row Total	
		Row %	Oakland, CA	Birmingham, AL	Miami, FL		Newark, NJ
		Col %	1.	2.	3.		4.
0	1.	34	31	5	16	86	
		39.5	36.0	5.8	18.6	23.3	
		61.8	24.0	6.0	15.8		
1-3	2.	19	49	1	58	127	
		15.0	38.6	0.8	45.7	34.4	
		34.5	38.0	1.2	57.4		
4-6	3.	2	30	10	25	67	
		3.0	44.8	14.9	37.3	18.2	
		3.6	23.3	11.9	24.8		
7-10	4.	0	17	12	2	31	
		0.0	54.8	38.7	6.5	8.4	
		0.0	13.2	14.3	2.0		
11 and over	5.	0	2	56	0	58	
		0.0	3.4	96.6	0.0	15.7	
		0.0	1.6	66.7	0.0		
Column Total		55	129	84	101	369	
		14.9	35.0	22.8	27.4	100.0	

Non-Shoot

Number of Commendations	Count	City				Row Total	
		Row %	Oakland, CA	Birmingham, AL	Miami, FL		Newark, NJ
		Col %	1.	2.	3.		4.
0	1.	13	3	0	0	16	
		31.3	19.8	0.0	0.0	16.2	
		56.5	13.0	0.0	0.0		
1-3	2.	9	9	0	22	40	
		22.5	22.5	0.0	55.0	40.4	
		39.1	39.1	0.0	68.8		
4-6	3.	1	8	1	9	19	
		5.3	42.1	5.3	47.4	19.2	
		4.3	34.8	4.8	28.1		
7-10	4.	0	2	1	1	4	
		0.0	50.0	25.0	25.0	4.0	
		0.0	8.7	4.8	3.1		
11 and over	5.	0	1	19	0	20	
		0.0	5.0	95.0	0.0	20.2	
		0.0	1.3	90.5	0.0		
Column Total		23	23	21	32	99	
		23.2	23.2	21.2	32.3	100.0	

Number of missing observations = 23

TABLE 20. OFFICER'S MERITORIOUS CONDUCT SINCE INCIDENT:
NUMBER OF COMMENDATIONS FROM DEPARTMENTShoot

Number of Commendations	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.:	2.:	3.:	4.:	
0	1.	32	31	7	82	152
		21.1	20.4	4.6	53.9	40.2
		60.4	24.0	8.2	73.9	
1-3	2.	19	72	17	29	137
		13.9	52.6	12.4	21.2	36.2
		35.8	55.8	20.0	26.1	
4-6	3.	2	19	21	0	42
		4.8	45.2	50.0	0.0	11.1
		3.8	14.7	24.7	0.0	
7-10	4.	0	7	17	0	24
		0.0	29.2	70.8	0.0	6.3
		0.0	5.4	20.0	0.0	
11 and over	5.	0	0	23	0	23
		0.0	0.0	100.0	0.0	6.1
		0.0	0.0	27.1	0.0	
	Column Total	51 14.0	129 34.1	85 22.5	111 29.4	378 100.0

Non-Shoot

Number of Commendations	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.:	2.:	3.:	4.:	
0	1.	17	12	0	12	41
		41.5	29.3	0.0	29.3	41.0
		73.9	52.2	0.0	36.4	
1-3	2.	6	7	3	20	36
		16.7	19.4	8.3	55.6	36.0
		26.1	30.4	14.3	60.6	
4-6	3.	0	2	4	1	7
		0.0	28.6	57.1	14.3	7.0
		0.0	8.7	19.0	3.0	
7-10	4.	0	2	5	0	7
		0.0	28.6	71.4	0.0	7.0
		0.0	8.7	23.8	0.0	
11 and over	5.	0	0	9	0	9
		0.0	0.0	100.0	0.0	9.0
		0.0	0.0	42.9	0.0	
	Column Total	23 23.0	23 23.0	21 21.0	33 33.0	100 100.0

Number of missing observations = 13

TABLE 21. OFFICER'S MERITORIOUS CONDUCT AT TIME OF INCIDENT:
NUMBER OF AWARDS FOR BRAVERY

Shoot

Number of Awards	Count	City				Row Total
		Oakland,	Birming-	Miami,FL	Newark,	
		CA	ham, AL		NJ	
	1.:	2.:	3.:	4.:		
0	1.	47	115	46	51	259
		18.1	44.4	17.8	19.7	77.3
		85.5	89.1	90.2	51.0	
1-2	2.	8	13	4	46	71
		11.3	18.3	5.6	64.8	21.2
		14.5	10.1	7.8	46.0	
3-4	3.	0	0	1	3	4
		0.0	0.0	25.0	75.0	1.2
		0.0	0.0	2.0	3.0	
5 and over	4.	0	1	0	0	1
		0.0	100.0	0.0	0.0	0.3
		0.0	0.8	0.0	0.0	
	Column Total	55	129	51	100	335
		16.4	38.5	15.2	29.9	100.0

Non-Shoot

Number of Awards	Count	City				Row Total
		Oakland,	Birming-	Miami,FL	Newark,	
		CA	ham, AL		NJ	
	1.:	2.:	3.:	4.:		
0	1.	20	21	18	6	65
		30.8	32.3	27.7	9.2	66.3
		87.0	91.3	90.0	18.8	
1-2	2.	3	2	2	20	27
		11.1	7.4	7.4	74.1	27.6
		13.0	8.7	10.0	62.5	
3-4	3.	0	0	0	6	6
		0.0	0.0	0.0	100.0	6.1
		0.0	0.0	0.0	18.8	
	Column Total	23	23	20	32	98
		23.5	23.5	20.4	32.7	100.0

Number of missing observations = 58

TABLE 22. OFFICER'S MERITORIOUS CONDUCT SINCE INCIDENT:
NUMBER OF AWARDS FOR BRAVERY

Shoot

Number of Awards	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	1.	2.	3.	4.		
0	44	114	41	83	282	
	15.6	40.4	14.5	29.4	83.7	
	81.5	89.1	93.2	74.8		
1-2	10	13	3	28	54	
	18.5	24.1	5.6	51.9	16.0	
	18.5	10.2	6.8	25.2		
5 and over	0	1	0	0	1	
	0.0	100.0	0.0	0.0	0.3	
	0.0	0.8	0.0	0.0		
Column Total	54	128	44	111	337	
	16.0	38.0	13.1	32.9	100.0	

Non-Shoot

Number of Awards	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	1.	2.	3.	4.		
0	20	23	21	9	73	
	27.4	31.5	28.8	12.3	73.7	
	90.9	100.0	100.0	27.3		
1-2	2	0	0	22	24	
	8.3	0.0	0.0	91.7	24.2	
	9.1	0.0	0.0	66.7		
3-4	0	0	0	2	2	
	0.0	0.0	0.0	100.0	2.0	
	0.0	0.0	0.0	6.1		
Column Total	22	23	21	33	99	
	22.2	23.2	21.2	33.3	100.0	

Number of missing observations = 55

TABLE 23. OFFICER'S UNSATISFACTORY CONDUCT AT TIME OF INCIDENT:
NUMBER OF CITIZEN'S COMPLAINTSShoot

Number of Complaints	Count	City				Row Total
		Row %	Oakland, CA	Birmingham, AL	Miami, FL Newark, NJ	
		Col %	1.:	2.:	3.:	
0	1.	48	47	49	38	182
		26.4	25.8	26.9	20.9	51.3
		98.0	37.6	63.6	36.5	
1-3	2.	1	40	8	46	95
		1.1	42.1	8.4	48.4	26.8
		2.0	32.0	10.4	44.2	
4-6	3.	0	16	9	18	43
		0.0	37.2	20.9	41.9	12.1
		0.0	12.8	11.7	17.3	
7-10	4.	0	15	6	1	22
		0.0	66.2	27.3	4.5	6.2
		0.0	12.0	7.8	1.0	
11 and over	5.	0	7	5	1	13
		0.0	53.8	38.5	7.7	3.7
		0.0	5.6	6.5	1.0	
	Column Total	49	125	77	104	355
		13.8	35.2	21.7	29.3	100.0

Non-Shoot

Number of Complaints	Count	City				Row Total
		Row %	Oakland, CA	Birmingham, AL	Miami, FL Newark, NJ	
		Col %	1.:	2.:	3.:	
0	1.	14	16	2	13	45
		31.1	35.6	4.4	28.9	48.9
		77.8	69.6	9.5	43.3	
1-3	2.	2	5	5	15	27
		7.4	18.5	18.5	55.6	29.3
		11.1	21.7	23.8	50.0	
4-6	3.	0	1	7	2	10
		0.0	10.0	70.0	20.0	10.9
		0.0	4.3	33.3	6.7	
7-10	4.	1	1	3	0	5
		20.0	20.0	60.0	0.0	5.4
		5.6	4.3	14.3	0.0	
11 and over	5.	1	0	4	0	5
		20.0	0.0	80.0	0.0	5.4
		5.6	0.0	19.0	0.0	
	Column Total	18	23	21	30	92
		19.5	25.0	22.3	32.5	100.0

Number of missing observations = 44

TABLE 24. OFFICER'S UNSATISFACTORY CONDUCT SINCE INCIDENT:
NUMBER OF CITIZEN'S COMPLAINTSShoot

Number of Complaints	Count Row % Col %	City				Row Total
		Oakland, CA	Birming- ham, AL	Miami, FL	Newark, NJ	
		1.:	2.:	3.:	4.:	
0	1.	50 20.3 98.0	81 32.9 64.8	47 19.1 61.0	68 27.6 63.6	246 68.3
1-3	2.	1 1.1 2.0	33 37.5 26.4	16 18.2 20.8	38 43.2 35.5	88 24.4
4-6	3.	0 0.0 0.0	9 52.9 7.2	7 41.2 9.1	1 5.9 0.9	17 4.7
7-10	4.	0 0.0 0.0	2 40.0 1.6	3 60.0 3.9	0 0.0 0.0	5 1.4
11 and over	5.	0 0.0 0.0	0 0.0 0.0	4 100.0 5.2	0 0.0 0.0	4 1.1
	Column Total	51 14.2	125 34.7	77 21.4	107 29.7	360 100.0

Non-Shoot

Number of Complaints	Count Row % Col %	City				Row Total
		Oakland, CA	Birming- ham, AL	Miami, FL	Newark, NJ	
		1.:	2.:	3.:	4.:	
0	1.	14 20.5 73.7	19 27.9 82.6	6 9.8 30.0	29 42.6 93.5	68 73.1
1-3	2.	2 12.5 10.5	3 18.8 13.0	9 56.3 45.0	2 12.5 6.5	16 17.2
4-6	3.	1 25.0 5.3	1 25.0 4.3	2 50.0 10.0	0 0.0 0.0	4 4.3
7-10	4.	1 33.3 5.3	0 0.0 0.0	2 66.7 10.0	0 0.0 0.0	3 3.2
11 and over	5.	1 50.0 5.3	0 0.0 0.0	1 50.0 5.0	0 0.0 0.0	2 2.2
	Column Total	19 20.4	23 24.7	20 21.5	31 33.3	93 100.0

Number of missing observations = 35

TABLE 25. OFFICER'S UNSATISFACTORY CONDUCT AT TIME OF INCIDENT:
NUMBER OF FORMAL DEPARTMENTAL DISCIPLINARY FINDINGSShoot

<u>Number of Findings</u>	Count	<u>City</u>				Row Total	
		Row %	Oakland, CA	Birmingham, AL	Miami, FL		Newark, NJ
		Col %	1.	2.	3.		4.
0	1.	37	80	42	51	210	
		17.6	38.1	20.0	24.3	55.4 ⁹	
		68.5	63.0	51.9	44.7		
1-3	2.	14	41	30	49	134	
		10.4	30.6	22.4	36.6	35.6	
		25.9	32.3	37.0	43.0		
4-6	3.	1	6	7	11	25	
		4.0	24.0	28.0	44.0	6.6	
		1.9	4.7	8.6	9.6		
7-10	4.	2	0	2	1	5	
		40.0	0.0	40.0	20.0	1.3	
		3.7	0.0	2.5	0.9		
11 and over	5.	0	0	0	2	2	
		0.0	0.0	0.0	100.0	0.5	
		0.0	0.0	0.0	1.8		
	Column Total	54	127	81	114	376	
		14.4	33.9	21.5	30.3	100.0	

Non-Shoot

<u>Number of Findings</u>	Count	<u>City</u>				Row Total	
		Row %	Oakland, CA	Birmingham, AL	Miami, FL		Newark, NJ
		Col %	1.	2.	3.		4.
0	1.	16	18	15	17	66	
		24.2	27.3	22.7	25.8	67.3	
		69.6	78.3	71.4	54.8		
1-3	2.	7	4	6	13	30	
		23.3	13.3	20.0	43.3	30.6	
		30.4	17.4	28.6	41.9		
4-6	3.	0	1	0	1	2	
		0.0	50.0	0.0	50.0	2.0	
		0.0	4.3	0.0	3.2		
	Column Total	23	23	21	31	98	
		23.5	23.5	21.4	31.5	100.0	

Number of missing observations = 17

TABLE 26. OFFICER'S UNSATISFACTORY CONDUCT SINCE INCIDENT:
NUMBER OF FORMAL DEPARTMENTAL DISCIPLINARY FINDINGS

Shoot

Number of Findings	Count	City				Row Total
		Oakland, CA	Birming- ham, AL	Miami, FL	Newark, NJ	
		1.:	2.:	3.:	4.:	
0	35	97	57	83	272	
	12.9	35.7	21.0	30.5	73.7	
	64.8	77.6	72.2	74.8		
1-3	16	26	17	26	85	
	18.8	30.6	20.0	30.6	23.0	
	29.6	20.8	21.5	23.4		
4-6	1	2	5	2	10	
	10.0	20.0	50.0	20.0	2.7	
	1.9	1.6	6.3	1.8		
7-10	2	0	0	0	2	
	100.0	0.0	0.0	0.0	0.5	
	3.7	0.0	0.0	0.0		
Column Total	54	125	79	111	369	
	14.6	33.9	21.4	30.1	100.0	

Non-Shoot

Number of Findings	Count	City				Row Total
		Oakland, CA	Birming- ham, AL	Miami, FL	Newark, NJ	
		1.:	2.:	3.:	4.:	
0	17	19	16	29	81	
	21.0	23.5	19.8	35.8	83.5	
	73.9	82.6	80.0	93.5		
1-3	6	4	4	2	16	
	37.5	25.0	25.0	12.5	16.5	
	26.1	17.4	20.0	6.5		
Column Total	23	23	20	31	97	
	23.7	23.7	20.6	32.0	100.0	

Number of missing observations = 25

TABLE 27. NUMBER OF PURPOSEFUL SHOOTING INCIDENTS UP TO TIME OF INCIDENT

Shoot

Number of Shootings	Count	City				Row Total	
		Row %	Oakland, CA	Birmingham, AL	Miami, FL		Newark, NJ
		Col %	1.	2.	3.		4.
0 Incidents	0.	46	65	0	2	113	
		40.7	57.5	0.0	1.8	29.7	
		83.6	51.2	0.0	1.8		
1 Incident	1.	6	40	58	46	150	
		4.0	26.7	38.7	30.7	39.5	
		10.9	31.5	68.2	40.7		
2 Incidents	2.	3	19	22	47	91	
		3.3	20.9	24.2	51.6	23.9	
		5.5	15.0	25.9	41.6		
3 Incidents	3.	0	3	4	13	20	
		0.0	15.0	20.0	65.0	5.3	
		0.0	2.4	4.7	11.5		
4 Incidents	4.	0	0	1	3	4	
		0.0	0.0	25.0	75.0	1.1	
		0.0	0.0	1.2	2.7		
5 Incidents	5.	0	0	0	1	1	
		0.0	0.0	0.0	100.0	0.3	
		0.0	0.0	0.0	0.9		
6 or more	6.	0	0	0	1	1	
		0.0	0.0	0.0	100.0	0.3	
		0.0	0.0	0.0	0.9		
Column Total		55	127	95	113	350	
		14.5	33.4	22.4	29.7	100.0	

Non-Shoot

Number of Shootings	Count	City				Row Total	
		Row %	Oakland, CA	Birmingham, AL	Miami, FL		Newark, NJ
		Col %	1.	2.	3.		4.
0 Incidents	0.	18	12	11	8	49	
		36.7	24.5	22.4	16.3	51.0	
		78.3	52.2	52.4	27.6		
1 Incident	1.	4	9	5	6	24	
		16.7	37.5	20.8	25.0	25.0	
		17.4	39.1	23.8	20.7		
2 Incidents	2.	0	2	3	13	18	
		0.0	11.1	16.7	72.2	18.8	
		0.0	8.7	14.3	44.8		
3 Incidents	3.	1	0	1	1	3	
		33.3	0.0	33.3	33.3	3.1	
		4.3	0.0	4.8	3.4		
4 Incidents	4.	0	0	0	1	1	
		0.0	0.0	0.0	100.0	1.0	
		0.0	0.0	0.0	3.4		
5 Incidents	5.	0	0	1	0	1	
		0.0	0.0	100.0	0.0	1.0	
		0.0	0.0	4.8	0.0		
Column Total		23	23	21	29	96	
		24.0	24.0	21.9	30.2	100.0	

Fatalities resulting from the prior shootings are shown in Table 28. Fifteen and four-tenths percent of the shooters and 11.4 percent of the non-shooters were involved in one or more earlier fatalities.

[INSERT TABLE 28 HERE]

Table 29 presents involvement in shootings after the incident in question, and Table 30 presents the numbers of these shootings for those who did shoot subsequently. There is slight shrinkage from Table 29 to 30 (60 to 54 for shooters and 18 to 16 for non-shooters) because of unavailability of numbers of shootings for some officers who shot after the incident. It is of some interest that a higher proportion of non-shooters shot subsequently than did shooters (18.4 percent vs. 16.4 percent). While the time available for later shooting depended upon the date of the incident of concern, the maximum time is about 3.5 years, the duration of our focus.

[INSERT TABLES 29 AND 30 HERE]

Table 31 shows levels of marksmanship. The non-shooters had somewhat higher qualifying averages than shooters (high 30.5 percent vs. 24.7 percent and low 5.3 percent vs. 17.7 percent).

[INSERT TABLE 31 HERE]

Table 32 has information on qualification in the use of a weapon, and Table 33 has information on loss of authority to carry weapon. Very few failed to qualify (5.9 percent of shooters and 4.2 percent of non-shooters), and only 1.9 percent of shooters (no non-shooters) lost authority to carry a weapon in the five years preceding the incident.

[INSERT TABLES 32 AND 33 HERE]

Table 34 contains numbers of officers who left the department after the incident. Table 35 specifies circumstances for the departures. The loss was 17.5 percent for shooters and 3.0 percent for non-shooters. Most departures

TABLE 28. NUMBER OF SUBJECT FATALITIES FROM PURPOSEFUL SHOOTINGS UP TO TIME OF THE INCIDENT

Shoot

Number of Fatalities	Count	City				Row Total	
		Row %	Oakland, CA	Birmingham, AL	Miami, FL		Newark, NJ
		Col %	1.	2.	3.		4.
0 Fatalities	0.	53	105	69	94	321	
		16.5	32.7	21.5	29.3	84.7	
		96.4	82.7	81.2	83.9		
1 Fatality	1.	2	22	16	13	53	
		3.8	41.5	30.2	24.5	14.0	
		3.6	17.3	18.8	11.6		
2 Fatalities	2.	0	0	0	4	4	
		0.0	0.0	0.0	100.0	1.1	
		0.0	0.0	0.0	3.6		
3 Fatalities	3.	0	0	0	1	1	
		0.0	0.0	0.0	100.0	0.3	
		0.0	0.0	0.0	0.9		
Column Total		55	127	85	112	379	
		14.5	33.5	22.4	29.6	100.0	

Non-Shoot

Number of Fatalities	Count	City				Row Total	
		Row %	Oakland, CA	Birmingham, AL	Miami, FL		Newark, NJ
		Col %	1.	2.	3.		4.
0 Fatalities	0.	23	19	20	23	85	
		27.1	22.4	23.5	27.1	88.5	
		100.0	82.6	95.2	79.3		
1 Fatality	1.	0	4	1	5	10	
		0.0	40.0	10.0	50.0	10.4	
		0.0	17.4	4.8	17.2		
2 Fatalities	2.	0	0	0	1	1	
		0.0	0.0	0.0	100.0	1.0	
		0.0	0.0	0.0	3.4		
Column Total		23	23	21	29	96	
		24.0	24.0	21.9	30.2	100.0	

Number of missing observations = 16

TABLE 29. OFFICER INVOLVEMENT IN MORE SHOOTINGS SINCE THE INCIDENT

Shoot

		<u>City</u>				
		Count	Count	Count	Count	Row
		Row %	Row %	Row %	Row %	Total
		Col %	Col %	Col %	Col %	
		1.	2.	3.	4.	
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
<u>More Shootings</u>	1.	8	20	15	17	60
	Yes	13.3	33.3	25.0	28.3	16.4
		15.1	15.4	18.1	17.0	
	2.	45	110	68	83	306
	No	14.7	35.9	22.2	27.1	83.6
		84.9	84.6	81.9	83.0	
	Column Total	53	130	83	100	366
		14.5	35.5	22.7	27.3	100.0

Non- Shoot

		<u>City</u>				
		Count	Count	Count	Count	Row
		Row %	Row %	Row %	Row %	Total
		Col %	Col %	Col %	Col %	
		1.	2.	3.	4.	
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
<u>More Shootings</u>	1.	4	1	4	9	18
	Yes	22.2	5.6	22.2	50.0	18.4
		17.4	4.3	19.0	29.0	
	2.	19	22	17	22	80
	No	23.8	27.5	21.3	27.5	81.6
		82.6	95.7	81.0	71.0	.
	Column Total	23	23	21	31	98
		23.5	23.5	21.4	31.6	100.0

Number of missing observations = 27

TABLE 30. NUMBER OF SHOOTINGS OFFICER INVOLVED IN SINCE INCIDENT

Shoot

Number of Shootings	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
1 Incident	8	16	10	12	46	
	17.4	34.8	21.7	26.1	85.2	
	100.0	88.9	71.4	85.7		
2 Incidents	0	2	2	1	5	
	0.0	40.0	40.0	20.0	9.3	
	0.0	11.1	14.3	7.1		
3 Incidents	0	0	2	1	3	
	0.0	0.0	66.7	33.3	5.6	
	0.0	0.0	14.3	7.1		
Column Total	8	18	14	14	54	
	14.8	33.3	25.9	25.9	100.0	

Non-Shoot

Number of Shootings	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
1 Incident	2	1	3	5	11	
	18.2	9.1	27.3	45.5	68.8	
	50.0	100.0	75.0	71.4		
2 Incidents	1	0	1	2	4	
	25.0	0.0	25.0	50.0	25.0	
	25.0	0.0	25.0	28.6		
3 Incidents	1	0	0	0	1	
	100.0	0.0	0.0	0.0	6.3	
	25.0	0.0	0.0	0.0		
Column Total	4	1	4	7	16	
	25.0	6.3	25.0	43.8	100.0	

Number of missing observations = 421

TABLE 31. OFFICER'S LEVEL OF MARKSMANSHIP UP TO TIME OF INCIDENT [QUALIFICATION AVERAGE WHEN COMPARED TO OTHER OFFICERS]

Shoot

Level of Marksmanship	Count	City				Row Total
		Oakland, CA	Birming- ham, AL	Miami, FL	Newark, NJ	
		1.:	2.:	3.:	4.:	
High	1.	6	54	16	12	88
		6.8	61.4	18.2	13.6	24.7
		10.9	43.5	19.3	12.8	
Average	2.	47	66	39	53	205
		22.9	32.2	19.0	25.9	57.6
		85.5	53.2	47.0	56.4	
Low	3.	2	4	28	29	63
		3.2	6.3	44.4	46.0	17.7
		3.6	3.2	33.7	30.9	
Column Total		55	124	83	94	356
		15.4	34.8	23.3	26.4	100.0

Non-Shoot

Level of Marksmanship	Count	City				Row Total
		Oakland, CA	Birming- ham, AL	Miami, FL	Newark, NJ	
		1.:	2.:	3.:	4.:	
High	1.	4	10	6	9	29
		13.8	34.5	20.7	31.0	30.5
		17.4	43.5	30.0	31.0	
Average	2.	18	13	13	17	61
		29.5	21.3	21.3	27.9	64.2
		78.3	56.5	65.0	58.6	
Low	3.	1	0	1	3	5
		20.0	0.0	20.0	60.0	5.3
		4.3	0.0	5.0	10.3	
Column Total		23	23	20	29	95
		24.2	24.2	21.1	30.5	100.0

Number of missing observations = 40

TABLE 32. HAS THE OFFICER FORMALLY FAILED TO QUALIFY IN
LAST FIVE YEARS UP TO TIME OF INCIDENT

Shoot

		<u>City</u>					
		Count				Row	
		Row %	Oakland,	Birming-	Miami,FL	Newark,	Total
		Col %	CA	ham, AL		NJ	
<u>Failed To</u>			1.:	2.:	3.:	4.:	
<u>Qualify</u>							
Yes	1.	0	22	0	0	22	
		0.0	100.0	0.0	0.0	5.9	
		0.0	17.7	0.0	0.0		
No	2.	55	102	83	111	351	
		15.7	29.1	23.6	31.6	94.1	
		100.0	82.3	100.0	100.0		
Column Total		55	124	83	111	373	
		14.7	33.2	22.3	29.8	100.0	

Non-Shoot

		<u>City</u>					
		Count				Row	
		Row %	Oakland,	Birming-	Miami,FL	Newark,	Total
		Col %	CA	ham, AL		NJ	
<u>Failed to</u>			1.:	2.:	3.:	4.:	
<u>Qualify</u>							
Yes	1.	0	4	0	0	4	
		0.0	100.0	0.0	0.0	4.2	
		0.0	17.4	0.0	0.0		
No	2.	23	19	20	29	91	
		25.3	20.9	22.0	31.9	95.8	
		100.0	82.6	100.0	100.0		
Column Total		23	23	20	29	95	
		24.2	24.2	21.1	30.5	100.0	

Number of missing observations = 23

TABLE 33. HAS THE OFFICER LOST THE AUTHORITY TO CARRY HIS WEAPON IN THE LAST FIVE YEARS UP TO TIME OF INCIDENT

Shoot

		<u>City</u>				
		Count	Row %	Col %	Row %	Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
<u>Lost Authority</u>	Yes	0	5	1	1	7
		0.0	71.4	14.3	14.3	1.9
No		0.0	4.0	1.2	0.9	
		55	119	82	111	367
		15.0	32.4	22.3	30.2	98.1
		100.0	96.0	98.8	99.1	
Column Total		55	124	83	112	374
		14.7	33.2	22.2	29.9	100.0

Non-Shoot

		<u>City</u>				
		Count	Row %	Col %	Row %	Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
<u>Lost Authority</u>	No	23	23	20	29	95
		24.2	24.2	21.1	30.5	100.0
		100.0	100.0	100.0	100.0	
Column Total		23	23	20	29	95
		24.2	24.2	21.1	30.5	100.0

Number of missing observations = 22

were based on resignations (54.9 percent); 21.5 percent resulted from dismissal or suspension.

[INSERT TABLES 34 AND 35 HERE]

Tables 36, 37, and 38 contain information regarding previous military service (except for Newark for which there are no data). Military service or not is shown in Table 36, branch of service in Table 37, combat or not in Table 38. More shooters (62.3 percent) than non-shooters (49.3 percent) had prior military service. It is perhaps interesting that 19.8 percent of the shooters were in the Marines, as opposed to 9.1 percent of the non-shooters. And to act against any inferences to which that might lead, it should be noted that 83.8 percent of the non-shooters as opposed to only 29.7 of the shooters were in military combat.

[INSERT TABLES 36, 37, AND 38 HERE]

The existence of earlier major medical problems of the officers is shown in Table 39. The rate is slightly higher for shooters than for non-shooters (30.4 percent vs. 25.6 percent). Note the particularly low rates in Birmingham, particularly for non-shooters (8.7 percent).

[INSERT TABLE 39 HERE]

Marital information (except for Newark) is contained in Tables 40 through 43. About three-fourths of the officers (74.6 percent of shooters and 78.8 percent of the non-shooters) were married (Table 40). Almost one-third (29.9 percent) of shooters and 22.2 percent of non-shooters were divorced one or more times (Table 41). Sixteen and four-tenths percent of the shooters changed marital status after the incident (Table 42). The greater portion in the direction of divorce or divorce and remarriage (70.0 percent, Table 43).

TABLE 34. HAS THE OFFICER LEFT THE DEPARTMENT SINCE THE INCIDENT

Shoot

		<u>City</u>					
		Count				Row	
		Row %	Oakland,	Birming-	Miami,FL	Newark,	Total
		Col %	CA	ham, AL		NJ	
<u>Left</u>			1.:	2.:	3.:	4.:	
<u>Department</u>			-----	-----	-----	-----	
Yes	1.	5	16	29	11	61	
		8.2	26.2	47.5	18.0	17.5	
		9.1	12.3	33.7	14.3		
No	2.	50	114	57	66	287	
		17.4	39.7	19.9	23.0	82.5	
		90.9	87.7	66.3	85.7		
Column		55	130	86	77	348	
Total		15.8	37.4	24.7	22.1	100.0	

Non-Shoot

		<u>City</u>					
		Count				Row	
		Row %	Oakland,	Birming-	Miami,FL	Newark,	Total
		Col %	CA	ham, AL		NJ	
<u>Left</u>			1.:	2.:	3.:	4.:	
<u>Department</u>			-----	-----	-----	-----	
Yes	1.	0	0	2	1	3	
		0.0	0.0	66.7	33.3	3.0	
		0.0	0.0	9.5	3.0		
No	2.	23	23	19	32	97	
		23.7	23.7	19.6	33.0	97.0	
		100.0	100.0	90.5	97.0		
Column		23	23	21	33	100	
Total		23.0	23.0	21.0	33.0	100.0	

Number of missing observations = 43

TABLE 35. CIRCUMSTANCES UNDER WHICH OFFICER LEFT THE DEPARTMENT

Shoot

Circumstances	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
Resigned	1.	4	6	17	1	28
		14.3	21.4	60.7	3.6	54.9
		80.0	40.0	70.8	14.3	
Retired	2.	1	5	4	1	11
		9.1	45.5	36.4	9.1	21.6
		20.0	33.3	16.7	14.3	
Fired	3.	0	3	2	4	9
		0.0	33.3	22.2	44.4	17.6
		0.0	20.0	8.3	57.1	
Suspended	4.	0	0	1	1	2
		0.0	0.0	50.0	50.0	3.9
		0.0	0.0	4.2	14.3	
Died	5.	0	1	0	0	1
		0.0	100.0	0.0	0.0	2.0
		0.0	6.7	0.0	0.0	
Column Total		5	15	24	7	51
		9.8	29.4	47.1	13.7	100.0

Number of missing observations = 440

Non-Shoot

Note: Circumstances for the three cases were unavailable.

TABLE 36. HAS OFFICER HAD MILITARY SERVICE

Shoot

		<u>City</u>				
		Count			Row	
		Row %	Oakland, CA	Birmingham, AL	Miami, FL	Total
		Col %	1.:	2.:	3.:	
<u>Military</u>						
	1.	26	35	40	101	
Yes		25.7	34.7	39.6	62.3	
		63.4	63.6	60.6		
	2.	15	20	26	61	
No		24.6	32.8	42.6	37.7	
		36.6	36.4	39.4		
	Column Total	41	55	66	162	
		25.3	34.0	40.7	100.0	

Non-Shoot

		<u>City</u>				
		Count			Row	
		Row %	Oakland, CA	Birmingham, AL	Miami, FL	Total
		Col %	1.:	2.:	3.:	
<u>Military</u>						
	1.	10	14	9	33	
Yes		30.3	42.4	27.3	49.3	
		43.5	60.9	42.9		
	2.	13	9	12	34	
No		38.2	26.5	35.3	50.7	
		56.5	39.1	57.1		
	Column Total	23	23	21	67	
		34.3	34.3	31.3	100.0	

Number of missing observations = 262

Note: Newark data are not available.

TABLE 37. OFFICER'S BRANCH OF MILITARY SERVICE

Shoot

Branch	Count	City			Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	
		1.	2.	3.	
Army	14	16	12	42	
	33.3	38.1	28.6	41.6	
	53.8	45.7	30.0		
Navy	3	7	8	18	
	16.7	38.9	44.4	17.8	
	11.5	20.0	20.0		
Air Force	3	1	6	10	
	30.0	10.0	60.0	9.9	
	11.5	2.9	15.0		
Marines	4	8	8	20	
	20.0	40.0	40.0	19.8	
	15.4	22.9	20.0		
Coast Guard	1	1	3	5	
	20.0	20.0	60.0	5.0	
	3.8	2.9	7.5		
Other	1	2	3	6	
	16.7	33.3	50.0	5.9	
	3.8	5.7	7.5		
Column Total	26	35	40	101	
	25.7	34.7	39.6	100.0	

Non-Shoot

Branch	Count	City			Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	
		1.	2.	3.	
Army	6	7	5	18	
	33.3	38.9	27.8	54.5	
	60.0	50.0	55.6		
Navy	2	1	1	4	
	50.0	25.0	25.0	12.1	
	20.0	7.1	11.1		
Air Force	2	1	1	4	
	50.0	25.0	25.0	12.1	
	20.0	7.1	11.1		
Marines	0	3	0	3	
	0.0	100.0	0.0	9.1	
	0.0	21.4	0.0		
Coast Guard	0	1	1	2	
	0.0	50.0	50.0	6.1	
	0.0	7.1	11.1		
Other	0	1	1	2	
	0.0	50.0	50.0	6.1	
	0.0	7.1	11.1		
Column Total	10	14	9	33	
	30.3	42.4	27.3	100.0	

Number of missing observations = 357

Note: Newark data are not available.

TABLE 38. DID OFFICER SERVE IN COMBAT DURING MILITARY SERVICE

Shoot

<u>Serve in Combat</u>		<u>City</u>			Row Total
		Count			
		Row %	Col %		
		Oakland, CA	Birmingham, AL	Miami, FL	
		1.	2.	3.	
Yes	1.	6	11	10	27
		22.2	40.7	37.0	29.7
		20.7	34.4	33.3	
No	2.	23	21	20	64
		35.9	32.8	31.3	70.3
		79.3	65.6	66.7	
	Column Total	29	32	30	91
		31.9	35.2	33.0	100.0

Non-Shoot

<u>Serve in Combat</u>		<u>City</u>			Row Total
		Count			
		Row %	Col %		
		Oakland, CA	Birmingham, AL	Miami, FL	
		1.	2.	3.	
Yes	1.	5	5	4	14
		35.7	35.7	28.6	43.8
		50.0	35.7	50.0	
No	2.	5	9	4	18
		27.8	50.0	22.2	56.3
		50.0	64.3	50.0	
	Column Total	10	14	8	32
		31.3	43.8	25.0	100.0

Number of missing observations = 368

Note: Newark data are not available.

TABLE 39. MAJOR MEDICAL PROBLEMS OF OFFICER
UP TO TIME OF INCIDENT

Shoot

		<u>City</u>					
		Count				Row	
		Row %	:Oakland,	Birming-	Miami,FL	Newark,	Total
		Col %	: CA	ham, AL		NJ	
<u>Medical</u>			1.:	2.:	3.:	4.:	
<u>Problems</u>							
	1.	23	14	25	39	101	
Yes		22.8	13.9	24.8	38.6	30.4	
		41.8	11.1	29.4	59.1		
	2.	32	112	60	27	231	
No		13.9	48.5	26.0	11.7	69.6	
		58.2	88.9	70.6	40.9		
	Column	55	126	85	66	332	
	Total	16.6	38.0	25.6	19.9	100.0	

Non-Shoot

		<u>City</u>					
		Count				Row	
		Row %	:Oakland,	Birming-	Miami,FL	Newark,	Total
		Col %	: CA	ham, AL		NJ	
<u>Medical</u>			1.:	2.:	3.:	4.:	
<u>Problems</u>							
	1.	6	2	6	9	23	
Yes		26.1	8.7	26.1	39.1	25.6	
		26.1	8.7	28.6	39.1		
	2.	17	21	15	14	67	
No		25.4	31.3	22.4	20.9	74.4	
		73.9	91.3	71.4	60.9		
	Column	23	23	21	23	90	
	Total	25.6	25.6	23.3	25.6	100.0	

Number of missing observations = 69

The rate of change was lower for non-shooters (10.6 percent), although the divorce/divorce remarriage direction was similar (71.5 percent).

[INSERT TABLES 40, 41, 42, AND 43 HERE]

Tables 44 through 47 contain (except for Newark) information regarding children of the officers. As shown in Table 44, 76.7 percent of shooters and 71.6 percent of non-shooters had children. Table 45 has the distributions of numbers of children. Table 46 shows whether or not the children are living with the officers--the answer is "yes" for 74.2 percent of the shooters and 83.0 percent of the non-shooters. And Table 47 shows the distributions of numbers of children living with the officers.

[INSERT TABLES 44, 45, 46, AND 47 HERE]

Table 48 presents the circumstance that led to the shooting/non-shooting incident. The modal circumstance is a shooting--33.2 percent for shooters and 43.4 percent for non-shooters. Balancing the preceding higher percentage for non-shooters is the reversal for robbery, which was the circumstance that led the officer to the scene at 20.0 percent for shooters and 11.8 percent for non-shooters. Similarly, burglary was the circumstance at 15.6 percent for shooters and 5.3 percent for non-shooters. And traffic was in the reverse direction--3.4 percent for shooters and 11.8 percent for non-shooters.

[INSERT TABLE 48 HERE]

The type of protection available to the officer in the situation of concern is shown in Table 49. There was no cover available for 68.2 percent of the shooters as opposed to 53.5 percent of the non-shooters. Hard cover was available to only 23.6 percent of the shooters as compared to 38.4 percent of the non-shooters. But note the high availability of hard cover for shooters and non-shooters in Miami (34.8 percent and 47.6 percent, respectively).

[INSERT TABLE 49 HERE]

TABLE 40. MARITAL STATUS OF OFFICER AT TIME OF INCIDENT

Shoot

<u>Marital Status</u>	Count	<u>City</u>			Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	
		1.	2.	3.	
Never Married	8	2	13	23	
	34.8	8.7	56.5	12.4	
	18.2	3.6	15.1		
Presently Married	31	40	67	138	
	22.5	29.0	48.6	74.6	
	70.5	72.7	77.9		
Presently Divorced	5	13	6	24	
	20.8	54.2	25.0	13.0	
	11.4	23.6	7.0		
Column Total	44	55	86	185	
	23.8	29.7	46.5	100.0	

Non-Shoot

<u>Marital Status</u>	Count	<u>City</u>			Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	
		1.	2.	3.	
Never Married	3	0	4	7	
	42.9	0.0	57.1	10.6	
	13.0	0.0	19.0		
Presently Married	18	20	14	52	
	34.6	38.5	26.9	78.8	
	78.3	90.9	66.7		
Presently Divorced	2	2	3	7	
	28.6	28.6	42.9	10.6	
	8.7	9.1	14.3		
Column Total	23	22	21	66	
	34.8	33.3	31.8	100.0	

Number of missing observations = . 240

Note: Newark data not available.

TABLE 41. NUMBER OF TIMES DIVORCED (OFFICERS)
 [DOES NOT INCLUDE "NEVER MARRIED" OFFICERS]

Shoot

Number of Times Divorced	Count	City			Row Total	
		Row %	Oakland, CA	Birmingham, AL		Miami, FL
		Col %	1.	2.		3.
Never	0.	25	31	12	68	
		36.8	45.6	17.6	70.1	
		83.3	60.8	75.0		
Once	1.	4	15	4	23	
		17.4	65.2	17.4	23.7	
		13.3	29.4	25.0		
Twice	2.	1	3	0	4	
		25.0	75.0	0.0	4.1	
		3.3	5.9	0.0		
Four Times	4.	0	2	0	2	
		0.0	100.0	0.0	2.1	
		0.0	3.9	0.0		
Column Total		30	51	16	97	
		30.9	52.6	16.5	100.0	

Non-Shoot

Number of Times Divorced	Count	City			Row Total	
		Row %	Oakland, CA	Birmingham, AL		Miami, FL
		Col %	1.	2.		3.
Never	0.	9	15	11	35	
		25.7	42.9	31.4	77.8	
		64.3	83.3	84.6		
Once	1.	4	2	2	8	
		50.0	25.0	25.0	17.8	
		28.6	11.1	15.4		
Twice	2.	1	1	0	2	
		50.0	50.0	0.0	4.4	
		7.1	5.6	0.0		
Column Total		14	18	13	45	
		31.1	40.0	28.9	100.0	

Number of missing observations = 349

TABLE 42. CHANGE IN OFFICER'S MARITAL STATUS
SINCE THE INCIDENT

Shoot

	Change	City			Row Total
		1.	2.	3.	
		Count	Count	Count	
		Row %	Row %	Row %	
		Col %	Col %	Col %	
	1.	2	14	6	22
Yes		9.1	63.6	27.3	16.4
		5.9	25.9	13.0	
	2.	32	40	40	112
No		28.6	35.7	35.7	83.6
		94.1	74.1	87.0	
	Column Total	34	54	46	134
		25.4	40.3	34.3	100.0

Non-Shoot

	Change	City			Row Total
		1.	2.	3.	
		Count	Count	Count	
		Row %	Row %	Row %	
		Col %	Col %	Col %	
	1.	4	0	3	7
Yes		57.1	0.0	42.9	10.6
		17.4	0.0	15.0	
	2.	19	23	17	59
No		32.2	39.0	28.8	89.4
		82.6	100.0	85.0	
	Column Total	23	23	20	66
		34.8	34.8	30.3	100.0

Number of missing observations = 291

Note: Newark data are not available.

TABLE 43. TYPE OF MARITAL STATUS CHANGE SINCE THE INCIDENT

Shoot

Type of Change	Count	City			Row Total	
		Oakland, CA	Birmingham, AL	Miami, FL		
	Row %	Col %	1.	2.	3.	
Married	4	50.0	25.0	25.0	20.0	4
Divorced	9	0.0	100.0	0.0	45.0	9
Separated	1	0.0	0.0	100.0	5.0	1
Divorced - Remarried	5	0.0	60.0	40.0	25.0	5
Married-Divorced	1	0.0	0.0	100.0	5.0	1
Column Total		10.0	65.0	25.0	100.0	20

Non-Shoot

Type of Change	Count	City		Row Total	
		Oakland, CA	Miami, FL		
	Row %	Col %	1.	3.	
Married	2	50.0	50.0	28.6	2
Divorced	3	66.7	33.3	42.9	3
Divorced-Remarried	2	50.0	50.0	28.6	2
Column Total		57.1	42.9	100.0	7

Number of missing observations = 464

TABLE 44. DOES OFFICER HAVE ANY CHILDREN

Shoot

		City				
		Count				
		Row %	Oakland, CA	Birmingham, AL	Miami, FL	Row Total
		Col %	1.	2.	3.	Total
<u>Children</u>	1.	27	48	57	132	
	Yes	20.5	36.4	43.2	76.7	
		65.9	87.3	75.0		
No	2.	14	7	19	40	
		35.0	17.5	47.5	23.3	
		34.1	12.7	25.0		
Column Total		41	55	76	172	
		23.8	32.0	44.2	100.0	

Non-Shoot

		City				
		Count				
		Row %	Oakland, CA	Birmingham, AL	Miami, FL	Row Total
		Col %	1.	2.	3.	Total
<u>Children</u>	1.	17	17	14	48	
	Yes	35.4	35.4	29.2	71.6	
		73.9	73.9	66.7		
No	2.	6	6	7	19	
		31.6	31.6	36.8	28.4	
		26.1	26.1	33.3		
Column Total		23	23	21	67	
		34.3	34.3	31.3	100.0	

Number of missing observations = 252

Note: Newark data are not available.

TABLE 45. NUMBER OF CHILDREN (OFFICER)

Shoot

Number of Children	Count	City			Row Total
		Row %	Birming- ham, AL	Miami, FL	
		Col %	1.	2.	
One Child	1.	7	11	5	23
		30.4	47.8	21.7	26.4
		25.9	22.9	41.7	
Two Children	2.	10	25	5	40
		25.0	52.5	12.5	46.0
		37.0	52.1	41.7	
Three Children	3.	7	8	2	17
		41.2	47.1	11.8	19.5
		35.9	16.7	16.7	
Four Children	4.	2	3	0	5
		40.0	60.0	0.0	5.7
		7.4	6.3	0.0	
Five or more	5.	1	1	0	2
		50.0	50.0	0.0	2.3
		3.7	2.1	0.0	
Column Total		27	48	12	87
		31.0	55.2	13.8	100.0

Non-Shoot

Number of Children	Count	City			Row Total
		Row %	Birming- ham, AL	Miami, FL	
		Col %	1.	2.	
One Child	1.	6	3	3	12
		50.0	25.0	25.0	25.5
		35.3	17.6	23.1	
Two Children	2.	8	7	6	21
		38.1	33.3	28.6	44.7
		47.1	41.2	36.2	
Three Children	3.	3	5	2	10
		30.0	50.0	20.0	21.3
		17.6	29.4	15.4	
Four Children	4.	0	1	2	3
		0.0	33.3	66.7	6.4
		0.0	5.9	15.4	
Five or more	5.	0	1	0	1
		0.0	100.0	0.0	2.1
		0.0	5.9	0.0	
Column Total		17	17	13	47
		36.2	36.2	27.7	100.0

Number of missing observations = 357

Note: Newark data are not available.

TABLE 46. ARE CHILDREN LIVING WITH OFFICER [DOES NOT INCLUDE OFFICERS WHO DO NOT HAVE CHILDREN]

Shoot

		City				
		Count				
		Row %	Oakland, CA	Birmingham, AL	Miami, FL	Row Total
		Col %	1.	2.	3.	
<u>Children</u>	1.	21	35	10	66	
	Yes	31.8	53.0	15.2	74.2	
		77.8	72.9	71.4		
No	2.	6	3	4	23	
		26.1	56.5	17.4	25.8	
		22.2	27.1	28.6		
Column Total		27	48	14	89	
		30.3	53.9	15.7	100.0	

Non-Shoot

		City				
		Count				
		Row %	Oakland, CA	Birmingham, AL	Miami, FL	Row Total
		Col %	1.	2.	3.	
<u>Children</u>	1.	12	16	11	39	
	Yes	30.8	41.0	28.2	83.0	
		70.6	94.1	84.6		
No	2.	5	1	2	8	
		62.5	12.5	25.0	17.0	
		29.4	5.9	15.4		
Column Total		17	17	13	47	
		36.2	36.2	27.7	100.0	

Number of missing observations = 355

TABLE 47. NUMBER OF CHILDREN LIVING WITH OFFICER [DOES NOT INCLUDE OFFICERS WHO DO NOT HAVE CHILDREN OR OFFICERS WHOSE CHILDREN DO NOT LIVE WITH THEM]

Shoot

Number of Children	Count	City			Row Total	
		Row %	Oakland, CA	Birmingham, AL		Miami, FL
		Col %	1.	2.		3.
One Child	19	26.3	57.9	15.8	29.2	
	23.8	31.4	33.3			
Two Children	34	29.4	58.8	11.8	52.3	
	47.6	57.1	44.4			
Three Children	11	45.5	36.4	18.2	16.9	
	23.8	11.4	22.2			
Four Children	1	100.0	0.0	0.0	1.5	
	4.8	0.0	0.0			
Column Total	65	32.3	53.8	13.8	100.0	

Non-Shoot

Number of Children	Count	City			Row Total	
		Row %	Oakland, CA	Birmingham, AL		Miami, FL
		Col %	1.	2.		3.
One Child	8	37.5	37.5	25.0	20.5	
	25.0	19.8	18.2			
Two Children	18	33.3	38.9	27.8	46.2	
	50.0	43.8	45.5			
Three Children	10	30.0	50.0	20.0	25.6	
	25.0	31.3	18.2			
Four Children	2	0.0	0.0	100.0	5.1	
	0.0	0.0	18.2			
Five Children	1	0.0	100.0	0.0	2.6	
	0.0	6.3	0.0			
Column Total	39	30.8	41.0	22.2	100.0	

Number of missing observations = 367

TABLE 48. CIRCUMSTANCE THAT REQUIRED ATTENTION OF OFFICER

Shoot

Circumstance	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
Shooting	1.	14	25	19	10	68
		20.6	36.8	27.9	14.7	33.2
		26.9	39.1	27.9	47.6	
Robbery	2.	19	13	8	1	41
		46.3	31.7	19.5	2.4	20.0
		36.5	20.3	11.8	4.8	
Burglary	3.	1	13	18	0	32
		3.1	40.6	56.3	0.0	15.6
		1.9	20.3	26.5	0.0	
Disturbance: Domestic	4.	2	2	1	0	5
		40.0	40.0	20.0	0.0	2.4
		3.8	3.1	1.5	0.0	
Disturbance: Other	5.	3	3	2	3	11
		27.3	27.3	18.2	27.3	5.4
		5.8	4.7	2.9	14.3	
Traffic	6.	4	1	1	1	7
		57.1	14.3	14.3	14.3	3.4
		7.7	1.6	1.5	4.8	
Service of Warrant	7.	5	1	3	1	10
		50.0	10.0	30.0	10.0	4.9
		9.6	1.6	4.4	4.8	
Mental Case	8.	0	5	0	1	6
		0.0	83.3	0.0	16.7	2.9
		0.0	7.8	0.0	4.8	
Other	9.	4	1	16	4	25
		16.0	4.0	64.0	16.0	12.2
		7.7	1.6	23.5	19.0	
Column Total		52	64	68	21	205
		25.4	31.2	33.2	10.2	100.0

TABLE 48. CIRCUMSTANCE THAT REQUIRED ATTENTION OF OFFICER (continued)

Non-Shoot

Circumstance	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	Col %	1.	2.	3.	4.	
Shooting	1.	11	12	6	4	33
		33.3	36.4	18.2	12.1	43.4
		45.8	48.0	28.6	66.7	
Robbery	2.	2	7	0	0	9
		22.2	77.8	0.0	0.0	11.8
		8.3	28.0	0.0	0.0	
Burglary	3.	0	1	3	0	4
		0.0	25.0	75.0	0.0	5.3
		0.0	4.0	14.3	0.0	
Disturbance: Domestic	4.	2	0	0	0	2
		100.0	0.0	0.0	0.0	2.6
		8.3	0.0	0.0	0.0	
Disturbance: Other	5.	2	2	0	0	4
		50.0	50.0	0.0	0.0	5.3
		8.3	8.0	0.0	0.0	
Traffic	6.	3	2	4	0	9
		33.3	22.2	44.4	0.0	11.8
		12.5	8.0	19.0	0.0	
Service of Warrant	7.	4	0	2	1	7
		57.1	0.0	28.6	14.3	9.2
		16.7	0.0	9.5	16.7	
Mental Case	8.	0	1	0	0	1
		0.0	100.0	0.0	0.0	1.3
		0.0	4.0	0.0	0.0	
Other	9.	0	0	6	1	7
		0.0	0.0	85.7	14.3	9.2
		0.0	0.0	28.6	16.7	
Column Total		24	25	21	6	76
		31.6	32.9	27.6	7.9	100.0

Number of missing observations = 285

TABLE 49. TYPE OF PROTECTION FROM OPPONENT OFFICER
HAD AVAILABLEShoot

Type of Protection	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
Hard Cover	1.	10	12	24	6	52
		19.2	23.1	46.2	11.5	23.6
		19.6	18.8	34.8	16.7	
Soft Cover	2.	9	5	3	1	18
		50.0	27.8	16.7	5.6	8.2
		17.6	7.8	4.3	2.8	
No Cover	3.	32	47	42	29	150
		21.3	31.3	28.0	19.3	68.2
		62.7	73.4	60.9	80.6	
	Column Total	51	64	69	36	220
	Total	23.2	29.1	31.4	16.4	100.0

Number of missing observations = 346

Non-Shoot

Type of Protection	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
Hard Cover	1.	8	11	10	4	33
		24.2	33.3	30.3	12.1	38.4
		33.3	45.8	47.6	23.5	
Soft Cover	2.	1	3	2	1	7
		14.3	42.9	28.6	14.3	8.1
		4.2	12.5	9.5	5.9	
No Cover	3.	15	10	9	12	46
		32.6	21.7	19.6	26.1	53.5
		62.5	41.7	42.9	70.6	
	Column Total	24	24	21	17	86
	Total	27.9	27.9	24.4	19.8	100.0

Number of missing observations = 480

Was the officer wearing protective clothing at the time of the incident? According to Table 50, 35.4 percent of the shooters as against 46.6 percent of the non-shooters wore such clothing. The discrepancy was greatest in Miami where 25.0 percent of the shooters and 45.0 percent of the non-shooters wore the clothing.

[INSERT TABLE 50 HERE]

The extent of injury on the part of the officer is shown in Table 51. There was one death (0.3 percent) for the shooters, and serious injury at the rate of 3.2 percent for shooters and 2.0 percent for non-shooters.

[INSERT TABLE 51 HERE]

Incident Environment

In this section we consider general characteristics of the setting in which the shooting occurred or did not occur (for non-shooters).

Table 52 shows the broad neighborhood classification of the scene of the incident. The neighborhoods tend to be predominately commercial (44.8 percent for the combined total) or residential (46.6 percent--30.9 percent apartment plus 15.7 percent single family).

[INSERT TABLE 52 HERE]

The economic level of the incident locale is shown in Table 53. Only 7.6 percent of the combined incidents took place in neighborhoods of high economic level. The others took place in average (48.9 percent) or low (43.6 percent) economic areas. There is an interesting reversal between shoot and non-shoot neighborhoods; in the shoot category, 53.9 percent of the incidents occurred in average neighborhoods and 38.6 percent in low, while in the non-shoot category, the respective percentages are 34.1 and 58.0.

[INSERT TABLE 53 HERE]

TABLE 50. OFFICER WEARING PROTECTIVE CLOTHING AT THE TIME OF INCIDENT

Shoot

<u>Protective Clothing</u>	Count	<u>City</u>				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	1.	2.	3.	4.		
Yes	79	40	11	17	11	79
		50.6	13.9	21.5	13.9	35.4
		76.9	17.2	25.0	28.2	
No	144	12	53	51	28	144
		8.3	36.8	35.4	19.4	64.6
		23.1	82.8	75.0	71.8	
Column Total	223	52	64	68	39	223
	100.0	23.3	28.7	30.5	17.5	100.0

Number of missing observations = 343

Non-Shoot

<u>Protective Clothing</u>	Count	<u>City</u>				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	1.	2.	3.	4.		
Yes	41	20	4	9	8	41
		48.8	9.8	22.0	19.5	46.6
		83.3	16.0	45.0	42.1	
No	47	4	21	11	11	47
		8.5	44.7	23.4	23.4	53.4
		16.7	84.0	55.0	57.9	
Column Total	88	24	25	20	19	88
	100.0	27.3	28.4	22.7	21.6	100.0

Number of missing observations = 478

TABLE 51. EXTENT OF OFFICER INJURY

Shoot

<u>Extent of Injury</u>	Count	<u>City</u>				Row Total
		Row %	Col %	Row %	Col %	
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	1.	2.	3.	4.		
None	1.	48	125	72	98	343
		14.0	36.4	21.0	28.6	90.7
		87.3	96.2	87.8	88.3	
Slight	2.	2	5	10	5	22
		9.1	22.7	45.5	22.7	5.8
		3.6	3.8	12.2	4.5	
Serious	3.	4	0	0	8	12
		33.3	0.0	0.0	66.7	3.2
		7.3	0.0	0.0	7.2	
Fatal	4.	1	0	0	0	1
		100.0	0.0	0.0	0.0	0.3
		1.8	0.0	0.0	0.0	
Column Total	55	130	82	111	378	
	14.6	34.4	21.7	29.4	100.0	

Non-Shoot

<u>Extent of Injury</u>	Count	<u>City</u>				Row Total
		Row %	Col %	Row %	Col %	
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	1.	2.	3.	4.		
None	1.	23	23	19	31	96
		24.0	24.0	19.8	32.3	97.0
		100.0	100.0	90.5	90.9	
Slight	2.	0	0	1	0	1
		0.0	0.0	100.0	0.0	1.0
		0.0	0.0	4.8	0.0	
Serious	3.	0	0	1	1	2
		0.0	0.0	50.0	50.0	2.0
		0.0	0.0	4.8	3.1	
Column Total	23	23	21	32	99	
	23.2	23.2	21.2	32.3	100.0	

Number of missing observations = 14

TABLE 52. ZONE CLASSIFICATION OF SCENE OF INCIDENT

Shoot

Zone	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
Commercial	1.	11	63	37	12	123
		8.9	51.2	30.1	9.8	45.4
Industrial	2.	5	8	1	0	14
		35.7	57.1	7.1	0.0	5.2
Apartment	3.	17	18	28	15	78
		21.8	23.1	35.9	19.2	28.8
Single Family House	4.	14	17	10	1	42
		33.3	40.5	23.8	2.4	15.5
Other	5.	1	11	1	1	14
		7.1	78.6	7.1	7.1	5.2
		2.1	9.4	1.3	3.4	
Column Total		48	117	77	29	271
		17.7	43.2	28.4	10.7	100.0

Non-Shoot

Zone	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
Commercial	1.	10	15	5	9	39
		25.6	28.5	12.8	23.1	42.9
Industrial	2.	0	0	0	1	1
		0.0	0.0	0.0	100.0	1.1
Apartment	3.	7	3	10	14	34
		20.6	8.8	29.4	41.2	37.4
Single Family House	4.	7	3	4	1	15
		46.7	20.0	26.7	6.7	16.5
Other	5.	0	1	1	0	2
		0.0	50.0	50.0	0.0	2.2
		0.0	4.5	5.0	0.0	
Column Total		24	22	20	25	91
		25.4	24.2	22.0	27.5	100.0

Number of missing observations = 91

Combined

Commercial	44.9
Industrial	4.2
Apartment	30.8
Single	15.7
Other	4.5

TABLE 53. ECONOMIC LEVEL OF NEIGHBORHOOD

Shoot

<u>Economic Level</u>		<u>City</u>				Row Total
		Count	Row %	Col %		
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.:	2.:	3.:	4.:	
High	1.	9	6	3	1	19
		47.4	31.6	15.8	5.3	7.5
		18.8	5.5	3.9	5.0	
Average	2.	25	57	47	8	137
		18.2	41.6	34.3	5.8	53.9
		52.1	52.3	61.0	40.0	
Low	3.	14	46	27	11	98
		14.3	46.9	27.6	11.2	38.6
		29.2	42.2	35.1	55.0	
	Column Total	48	109	77	20	254
		18.9	42.9	30.3	7.9	100.0

Non-Shoot

<u>Economic Level</u>		<u>City</u>				Row Total
		Count	Row %	Col %		
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.:	2.:	3.:	4.:	
High	1.	2	0	2	3	7
		28.6	0.0	28.6	42.9	8.0
		8.3	0.0	10.0	13.6	
Average	2.	9	9	6	6	30
		30.0	30.0	20.0	20.0	34.1
		37.5	40.9	30.0	27.3	
Low	3.	13	13	12	13	51
		25.5	25.5	23.5	25.5	58.0
		54.2	59.1	60.0	59.1	
	Column Total	24	22	20	22	88
		27.3	25.0	22.7	25.0	100.0

Number of missing observations = 111

Combined

High	7.6
Average	48.9
Low	43.6

Table 54 summarizes incidents by whether they occurred outside or inside, and type of setting in both cases. Most incidents occurred outdoors (81.3 percent combined), with a somewhat larger percentage of shoot incidents (83.6 percent) than non-shoot incidents (72.5 percent). Of the incidents that took place inside, 36.6 percent were in apartments, 19.5 percent in houses, and 15.9 percent in retail stores. Most non-shoot incidents occurred in apartments while shoot incidents were more evenly divided over the three categories. Almost half (46.7 percent) of outdoor incidents took place on a roadway.

[INSERT TABLE 54 HERE]

The weather at the time of the incident is shown in Table 55, and the available lighting at the scene in Table 56. Most incidents occurred during clear weather, but the percentage was higher for non-shooting (92.8 percent) than for shooting (74.1 percent). In parallel with that difference, light was good at 46.9 percent of the shooting scenes and 66.2 percent of the non-shooting scenes.

[INSERT TABLES 55 AND 56 HERE]

The day of the week of the incident is shown in Table 57 and the month of the year in Table 58. Monday, July, and October stand out as periods of fewer combined incidents. Thursday, Saturday, April, May, and August stand out as higher shooting periods--though some of the differences are small.

[INSERT TABLES 57 AND 58 HERE]

Personal Data: Opponent

Table 59 shows the status of the opponent at the time of the incident. Almost half of the opponents were involved in violent crime (48.6 percent for the shoot and 47.4 percent for the non-shoot). Great variation over the cities in that regard (24.4 percent to 84.6 percent for shoot and 9.1 percent

TABLE 54. CHARACTERISTICS OF SPECIFIC LOCALS OF SHOOTING
INSIDE: WHAT TYPE OF PLACE

Shoot	Type	Count	City				Row Total
			Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
Row %	Col %	1.	2.	3.	4.		
Apartment	1.	4	2	2	8	16	
		25.0	12.5	12.5	50.0	28.1	
House	2.	7	4	0	1	12	
		58.3	33.3	0.0	8.3	21.1	
Retail Store	3.	2	5	1	2	10	
		20.0	50.0	10.0	20.0	17.5	
Bank	4.	1	0	0	1	2	
		50.0	0.0	0.0	50.0	3.5	
Restaurant/Bar	5.	0	0	0	4	4	
		0.0	0.0	0.0	100.0	7.0	
Factory/Warehouse	6.	0	1	0	1	2	
		0.0	50.0	0.0	50.0	3.5	
Office	7.	0	2	0	0	2	
		0.0	100.0	0.0	0.0	3.5	
Other	8.	0	4	1	4	9	
		0.0	44.4	11.1	44.4	15.8	
Column Total		14	18	4	21	57	
		24.6	31.6	7.0	36.3	100.0	

Non-Shoot	Type	Count	City				Row Total
			Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
Row %	Col %	1.	2.	3.	4.		
Apartment	1.	3	1	1	9	14	
		21.4	7.1	7.1	64.3	56.0	
House	2.	3	1	0	0	4	
		75.0	25.0	0.0	0.0	16.0	
Retail Store	3.	1	0	0	2	3	
		33.3	0.0	0.0	66.7	12.0	
Restaurant/Bar	5.	0	0	0	1	1	
		0.0	0.0	0.0	100.0	4.0	
Other	8.	1	0	0	2	3	
		33.3	0.0	0.0	66.7	12.0	
Column Total		8	2	1	14	25	
		32.0	8.0	4.0	56.0	100.0	

Number of missing observations = 371

TABLE 54. CHARACTERISTICS OF SPECIFIC LOCALS OF SHOOTING (continued)

OUTSIDE: WHAT TYPE OF PLACE

Shoot

Type	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	1.	2.	3.	4.		
Roadway	7	49	40	41	137	
	5.1	35.8	29.2	29.9	48.1	
	20.6	49.5	54.1	52.6		
Sidewalk	9	14	9	16	48	
	18.8	29.2	18.8	33.3	16.8	
	26.5	14.1	12.2	20.5		
Parking Lot	8	17	6	5	36	
	22.2	47.2	16.7	13.9	12.6	
	23.5	17.2	8.1	6.4		
Park	1	1	1	0	3	
	33.3	33.3	33.3	0.0	1.1	
	2.9	1.0	1.4	0.0		
Other	9	18	18	16	61	
	14.8	29.5	29.5	26.2	21.4	
	26.5	18.2	24.3	20.5		
Column Total	34	99	74	78	295	
Total	11.9	34.7	25.0	27.4	100.0	

Non-Shoot

Type	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	1.	2.	3.	4.		
Roadway	3	10	10	4	27	
	11.1	37.0	37.0	14.8	40.9	
	18.8	50.0	52.6	36.4		
Sidewalk	7	2	3	3	15	
	46.7	13.3	20.0	20.0	22.7	
	43.8	10.0	15.8	27.3		
Parking Lot	1	7	0	3	11	
	9.1	63.6	0.0	27.3	16.7	
	6.3	35.0	0.0	27.3		
Other	5	1	6	1	13	
	31.3	7.7	46.2	7.7	19.7	
	31.3	5.0	31.6	9.1		
Column Total	16	20	19	11	66	
Total	24.2	30.3	28.8	16.7	100.0	

Number of missing observations = 102

TABLE 55. WEATHER AT TIME OF INCIDENT

Shoot

Weather Condition	Count	City				Row Total
		Row %	Birming- ham,AL	Miami,FL	Newark, NJ	
		Col %	1.:	2.:	3.:	
Clear	1.	39 22.0 100.0	65 36.7 57.0	66 37.3 84.6	7 4.0 87.5	177 74.1
Rain	2.	0 0.0 0.0	9 64.3 7.9	4 28.6 5.1	1 7.1 12.5	14 5.9
Snow	3.	0 0.0 0.0	1 100.0 0.9	0 0.0 0.0	0 0.0 0.0	1 0.4
Other	5.	0 0.0 0.0	39 83.0 34.2	8 17.0 10.3	0 0.0 0.0	47 19.7
Column Total		39 16.3	114 47.7	78 32.6	8 3.3	239 100.0

Non-Shoot

Weather Condition	Count	City				Row Total
		Row %	Birming- ham,AL	Miami,FL	Newark, NJ	
		Col %	1.:	2.:	3.:	
Clear	1.	22 34.4 91.7	21 32.8 95.5	20 31.3 100.0	1 1.6 33.3	64 92.8
Snow	3.	0 0.0 0.0	0 0.0 0.0	0 0.0 0.0	2 100.0 66.7	2 2.9
Fog	4.	1 100.0 4.2	0 0.0 0.0	0 0.0 0.0	0 0.0 0.0	1 1.4
Other	5.	1 50.0 4.2	1 50.0 3.5	0 0.0 0.0	0 0.0 0.0	2 2.9
Column Total		24 34.8	22 31.9	20 29.0	3 4.3	69 100.0

Number of missing observations = 145

Combined

Clear	78.3
Rain	4.5
Snow	0.9
Fog	0.3
Other	15.9

TABLE 56. LIGHTING AT SCENE

Shoot

Lighting		City				Row Total
		Count	Row %	Col %	Count	
		Oakland, CA	Birming- ham,AL	Miami,FL	Newark, NJ	
		1.:	2.:	3.:	4.:	
Good	1.	18	45	47	3	113
		15.9	39.8	41.6	2.7	46.9
		50.0	39.1	60.3	25.0	
Fair	2.	9	63	26	0	98
		9.2	64.3	26.5	0.0	40.7
		25.0	54.8	33.3	0.0	
Poor	3.	9	7	5	9	30
		30.0	23.3	16.7	30.0	12.4
		25.0	6.1	6.4	75.0	
Column Total		36	115	78	12	241
		14.9	47.7	32.4	5.0	100.0

Non-Shoot

Lighting		City				Row Total
		Count	Row %	Col %	Count	
		Oakland, CA	Birming- ham,AL	Miami,FL	Newark, NJ	
		1.:	2.:	3.:	4.:	
Good	1.	14	15	15	1	45
		31.1	33.3	33.3	2.2	66.2
		58.3	68.2	75.0	50.0	
Fair	2.	6	7	3	0	16
		37.5	43.8	18.8	0.0	23.5
		25.0	31.8	15.0	0.0	
Poor	3.	4	0	2	1	7
		57.1	0.0	28.6	14.3	10.3
		16.7	0.0	10.0	50.0	
Column Total		24	22	20	2	68
		35.3	32.4	29.4	2.9	100.0

Number of missing observations = 144

Combined

Good	51.2
Fair	36.9
Poor	12.0

TABLE 57. DAY OF WEEK

Shoot

Day	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	1.	2.	3.	4.		
Monday	1.	5	11	10	9	35
		14.3	31.4	28.6	25.7	12.1
		10.4	9.3	12.8	20.0	
Tuesday	2.	4	18	12	5	39
		10.3	46.2	30.8	12.8	13.5
		8.3	15.3	15.4	11.1	
Wednesday	3.	7	14	12	6	39
		17.9	35.9	30.8	15.4	13.5
		14.6	11.9	15.4	13.3	
Thursday	4.	9	19	13	6	47
		19.1	40.4	27.7	12.8	16.3
		18.8	16.1	16.7	13.3	
Friday	5.	6	18	11	7	42
		14.3	42.9	26.2	16.7	14.5
		12.5	15.3	14.1	15.6	
Saturday	6.	12	19	8	8	47
		25.5	40.4	17.0	17.0	16.3
		25.0	16.1	10.3	17.8	
Sunday	7.	5	19	12	4	40
		12.5	47.5	30.0	10.0	13.8
		10.4	16.1	15.4	8.9	
Column Total	48	118	78	45	289	
	16.6	40.8	27.0	15.6	100.0	

Non-Shoot

Day	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	1.	2.	3.	4.		
Monday	1.	2	4	1	1	8
		25.0	50.0	12.5	12.5	11.4
		8.3	13.2	8.3	8.3	
Tuesday	2.	5	5	4	2	16
		31.3	31.3	25.0	12.5	22.9
		20.8	22.7	33.3	15.7	
Wednesday	3.	3	4	0	6	13
		23.1	30.8	0.0	25.2	18.6
		12.5	18.2	0.0	59.0	
Thursday	4.	0	1	1	1	3
		0.0	33.3	33.3	33.3	4.3
		0.0	4.5	8.3	3.3	
Friday	5.	8	3	1	1	13
		61.5	23.1	7.7	7.7	18.6
		33.3	13.5	8.3	3.3	
Saturday	6.	4	4	1	0	9
		44.4	44.4	11.1	3.0	12.9
		16.7	18.2	8.3	3.0	
Sunday	7.	2	1	4	1	8
		25.0	12.5	50.0	12.5	11.4
		8.3	4.5	33.3	3.3	
Column Total	24	22	12	12	70	
	34.3	31.4	17.1	17.1	100.0	

Number of missing observations = 34

Combined

Monday	11.9
Tuesday	15.4
Wednesday	14.5
Thursday	13.9
Friday	15.3
Saturday	15.6
Sunday	13.3

TABLE 58. MONTH OF THE YEAR

Shoot

Month	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	Row %	1.	2.	3.	4.	
	Col %					
January	1.	6	10	7	7	30
		20.0	33.3	23.3	23.3	8.5
		12.5	8.5	9.0	6.4	
February	2.	2	8	5	10	25
		8.0	32.0	20.0	40.0	7.1
		4.2	6.8	6.4	9.1	
March	3.	4	10	2	6	22
		18.2	45.5	9.1	27.3	6.2
		8.3	8.5	2.6	5.5	
April	4.	6	11	12	9	38
		15.8	28.9	31.6	23.7	10.7
		12.5	9.3	15.4	8.2	
May	5.	9	13	6	11	39
		23.1	33.3	15.4	28.2	11.0
		18.8	11.0	7.7	10.0	
June	6.	6	13	4	12	35
		17.1	37.1	11.4	34.3	9.9
		12.5	11.0	5.1	10.9	
July	7.	2	4	4	10	20
		10.0	20.0	20.0	50.0	5.6
		4.2	3.4	5.1	9.1	
August	8.	2	12	13	11	38
		5.3	31.6	34.2	28.9	10.7
		4.2	10.2	16.7	10.0	
September	9.	4	10	6	12	32
		12.5	31.3	18.8	37.5	9.0
		8.3	8.5	7.7	10.9	
October	10.	0	8	2	3	13
		0.0	61.5	15.4	23.1	3.7
		0.0	6.8	2.6	2.7	
November	11.	3	7	8	12	30
		10.0	23.3	26.7	40.0	8.5
		6.3	5.9	10.3	10.9	
December	12.	4	12	9	7	32
		12.5	37.5	28.1	21.9	9.0
		8.3	10.2	11.5	6.4	
Column Total		48	118	78	110	354
		13.6	33.3	22.0	31.1	100.0

TABLE 58. MONTH OF THE YEAR (continued)

Non-Shoot

Month	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
January	1.	1	2	1	4	8
		12.5	25.0	12.5	50.0	8.3
		4.2	9.1	4.8	13.8	
February	2.	1	2	1	8	12
		8.3	16.7	8.3	66.7	12.5
		4.2	9.1	4.8	27.6	
March	3.	3	4	2	3	12
		25.0	33.3	16.7	25.0	12.5
		12.5	18.2	9.5	10.3	
April	4.	2	1	4	6	13
		15.4	7.7	30.8	46.2	13.5
		8.3	4.5	19.0	20.7	
May	5.	5	1	2	1	9
		55.6	11.1	22.2	11.1	9.4
		20.8	4.5	9.5	3.4	
June	6.	1	0	3	2	6
		16.7	0.0	50.0	33.3	6.3
		4.2	0.0	14.3	6.9	
July	7.	0	1	0	0	1
		0.0	100.0	0.0	0.0	1.0
		0.0	4.5	0.0	0.0	
August	8.	4	0	1	0	5
		80.0	0.0	20.0	0.0	5.2
		16.7	0.0	4.8	0.0	
September	9.	2	1	0	3	6
		33.3	16.7	0.0	50.0	6.3
		8.3	4.5	0.0	10.3	
October	10.	2	2	3	0	7
		28.6	28.6	42.9	0.0	7.3
		8.3	9.1	14.3	0.0	
November	11.	3	5	1	0	9
		33.3	55.6	11.1	0.0	9.4
		12.5	22.7	4.8	0.0	
December	12.	0	3	3	2	8
		0.0	37.5	37.5	25.0	8.3
		0.0	13.6	14.3	6.9	
Column Total		24	22	21	29	96
		25.0	22.9	21.9	30.2	100.0

Combined

January	8.5%	May	10.7%	September	8.4%
February	8.3	June	9.1	October	4.5
March	7.6	July	4.6	November	8.7
April	11.3	August	9.5	December	8.9

to 90.0 percent) reflects differences in state and law departmental policy. These differences produce similar variation for persons committing property crimes (3.8 percent to 41.2 percent for shoot and 0.0 percent to 54.5 percent for non-shoot).

[INSERT TABLE 59 HERE]

Table 60 shows status of opponent vis-a-vis the officer at the moment of use (or non-use) of deadly force. A substantial proportion of the opponents were fleeing from the shooters (48.9 percent). Of course variations in that category over cities (40.4 percent to 76.8 percent) stem from law and policy differences. There were almost as high a proportion of attacking as fleeing opponents to the shooters (46.6 percent) and even greater variation over cities (20.7 percent to 71.3 percent). For non-shooters, the categories fleeing and attacking produced respective percentages of 25.5 and 53.2.

[INSERT TABLE 60 HERE]

Weapons of opponents are summarized in Table 61. A bit over one-third of the opponents of shooters (37.4 percent) had no weapons. The corresponding value for non-shooters is 11.6 percent. Handguns were carried by 34.8 percent of the opponents of shooters and 67.4 percent of the opponents of non-shooters. Almost one-tenth of the opponents of shooters (9.3 percent) had knives. One conspicuous feature of the table is the extent of variation over cities. For example, the percentage of opponents of shooters who carried no weapon ranged from 28.8 to 61.0, the percentage who carried a handgun ranged from 23.2 to 37.9, and the percentage carrying a knife ranged from a low of 2.4 to a high of 15.4.

[INSERT TABLE 61 HERE]

TABLE 59. OPPONENT'S ROLE IN INCIDENT

Shoot

Role	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
Bystander	2	0	0	0	2	2
		0.0	0.0	0.0	100.0	0.5
		0.0	0.0	0.0	1.8	
Suspicious Person	3	2	14	2	2	20
		10.0	70.0	10.0	10.0	5.5
		3.8	11.8	2.4	1.8	
Mentally Disturbed Person	4	1	4	2	0	7
		14.3	57.1	28.6	0.0	1.9
		1.9	3.4	2.4	0.0	
Person Under Influence of Alcohol	5	1	3	0	3	7
		14.3	42.9	0.0	42.9	1.9
		1.9	2.5	0.0	2.7	
Person Under Influence of Drugs	6	0	2	0	1	3
		0.0	66.7	0.0	33.3	0.8
		0.0	1.7	0.0	0.9	
Traffic Violator	7	2	2	5	3	12
		16.7	16.7	41.7	25.0	3.3
		3.8	1.7	6.1	2.7	
Person committing Violent Crime	8	44	29	31	73	177
		24.9	16.4	17.5	41.2	48.6
		84.6	24.4	37.8	65.8	
Person committing Property Crime	9	2	49	31	18	100
		2.0	49.0	31.0	18.0	27.5
		3.8	41.2	37.8	16.2	
Other	10	0	15	11	8	34
		0.0	44.1	32.4	23.5	9.3
		0.0	12.6	13.4	7.2	
Person Under Influence of Alcohol & Drugs	11	0	1	0	1	2
		0.0	50.0	0.0	50.0	0.5
		0.0	0.8	0.0	0.9	
Column Total		52	119	82	111	364
		14.3	32.7	22.5	30.5	100.0

Non-Shoot

Role	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
Suspicious Person	3	2	2	3	2	9
		22.2	22.2	33.3	22.2	9.3
		8.3	9.1	14.3	6.7	
Person Under Influence of Alcohol	5	3	1	0	0	4
		75.0	25.0	0.0	0.0	4.1
		12.5	4.5	0.0	0.0	
Person Under Influence of Drugs	6	2	2	1	0	5
		40.0	40.0	20.0	0.0	5.2
		8.3	9.1	4.5	0.0	
Traffic Violator	7	2	3	3	0	8
		25.0	37.5	37.5	0.0	8.2
		8.3	13.6	14.3	0.0	
Person committing Violent Crime	8	10	2	7	27	46
		21.7	4.3	15.2	52.7	47.4
		41.7	9.1	33.3	90.0	
Person committing Property Crime	9	0	12	4	0	16
		0.0	75.0	25.0	0.0	15.5
		0.0	54.5	19.0	0.0	
Other	10	5	0	3	1	9
		55.6	0.0	33.3	11.1	9.3
		20.8	0.0	14.3	3.3	
Column Total		24	22	21	30	97
		24.7	22.7	21.6	30.9	100.0

Number of missing observations = 4

TABLE 60. SUBJECT'S PHYSICAL STATUS REGARDING OFFICER A
MOMENT OF USE (OR NON-USE) OF FORCEShoot

Status	Count	City				Row Total
		Row %	Row %	Row %	Row %	
		Col %	Col %	Col %	Col %	
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
Non-moving, Non-Controlled	3	50.0	33.3	16.7	0.0	6
	5.8	5.8	1.7	1.2	0.0	1.7
Non-moving, Easily Controlled	1	33.3	0.0	0.0	66.7	3
	1.9	1.9	0.0	0.0	1.9	0.8
Non-moving, Difficult to Control	2	50.0	25.0	0.0	25.0	4
	3.8	3.8	0.9	0.0	0.9	1.1
Attacking	25	15.0	28.7	10.2	46.1	167
	48.1	48.1	41.4	20.7	71.3	46.6
Fleeing	21	12.0	36.0	36.0	16.0	175
	40.4	40.4	54.3	76.8	25.9	48.9
In Custody	0	0.0	66.7	33.3	0.0	3
	0.0	0.0	1.7	1.2	0.0	0.8
Column Total	52	14.5	116	82	108	358
			32.4	22.9	30.2	100.0

Non-Shoot

Status	Count	City				Row Total
		Row %	Row %	Row %	Row %	
		Col %	Col %	Col %	Col %	
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
Non-moving, non-controlled	1	20.0	20.0	60.0	0.0	5
	4.3	4.3	4.5	15.0	0.0	5.3
Non-moving, Easily Controlled	1	12.5	75.0	12.5	0.0	8
	4.3	4.3	27.3	5.0	0.0	8.5
Non-moving, Difficult to Control	2	33.3	0.0	50.0	16.7	6
	8.7	8.7	0.0	15.0	3.4	6.4
Attacking	13	26.0	18.0	4.0	52.0	50
	56.5	56.5	40.9	10.0	39.7	53.2
Fleeing	6	25.0	20.8	45.8	8.3	24
	26.1	26.1	22.7	55.0	6.9	25.5
In Custody	0	0.0	100.0	0.0	0.0	1
	0.0	0.0	4.5	0.0	0.0	1.1
Column Total	23	24.5	22	20	29	94
			23.4	21.3	30.9	100.0

Number of missing observations = 13

TABLE 61. OPPONENT'S WEAPON

Shoot

Status	Count	City				Row Total	
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ		
	Row %	Col %	1.	2.	3.	4.	
None	1.		15	37	50	30	132
			11.4	28.0	37.9	22.7	37.4
			29.4	31.9	61.0	28.8	
Handgun	2.		22	44	19	38	123
			17.9	35.8	15.4	30.9	34.8
			43.1	37.9	23.2	36.5	
Shot Gun	3.		1	9	2	8	20
			5.0	45.0	10.0	40.0	5.7
			2.0	7.8	2.4	7.7	
Long Gun	4.		4	2	0	2	8
			50.0	25.0	0.0	25.0	2.3
			7.8	1.7	0.0	1.9	
Knife	5.		4	11	2	16	33
			12.1	33.3	6.1	48.5	9.3
			7.8	9.5	2.4	15.4	
Blunt Instrument	6.		1	1	1	7	10
			10.0	10.0	10.0	70.0	2.8
			2.0	0.9	1.2	6.7	
Other	7.		8	12	8	3	27
			14.8	44.4	29.6	11.1	7.6
			7.8	10.3	9.8	2.9	
Column Total		51	116	82	104	353	
		14.4	32.9	23.2	29.5	100.0	

Non-Shoot

Status	Count	City				Row Total	
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ		
	Row %	Col %	1.	2.	3.	4.	
None	1.		2	1	4	4	11
			18.2	9.1	36.4	36.4	11.6
			8.3	4.5	20.0	13.8	
Handgun	2.		16	15	14	19	64
			25.0	23.4	21.9	29.7	67.4
			56.7	68.2	70.0	65.5	
Shot Gun	3.		2	5	1	2	10
			20.0	50.0	10.0	20.0	10.5
			8.3	22.7	5.0	6.9	
Long Gun	4.		2	0	1	1	4
			50.0	0.0	25.0	25.0	4.2
			8.3	0.0	5.0	3.4	
Knife	5.		2	1	0	2	5
			40.0	20.0	0.0	40.0	5.3
			8.3	4.5	0.0	5.9	
Blunt Instrument	6.		0	0	0	1	1
			0.0	0.0	0.0	100.0	1.1
			0.0	0.0	0.0	3.4	
Column Total		24	22	20	29	95	
		25.3	23.2	21.1	30.5	100.0	

Table 62 contains sex of opponent and Table 63 race of opponent. As one expects, almost all opponents were males. And in accord with the results of previous studies, most opponents were blacks--72.2 percent for shooters and 78.6 percent for non-shooters. Hispanic opponents of shooters are substantial in size in Newark (16.1 percent) as well as in Miami (28.0 percent).

[INSERT TABLES 62 AND 63 HERE]

Age, weight, and height of opponent are shown in Tables 64, 65, and 66, respectively. Almost 75 percent of the opponents of shooters were between 16 and 30 (74.9 percent); the comparable figure for non-shooters is almost as high (67.7 percent). It is perhaps of some interest that almost half of the opponents in Newark were in the age range 21-25 (46.2 percent).

There is nothing particularly conspicuous in the weight and height distributions. But the general class of opponents is surely not heavy or tall. Note that the opponents in Miami tend to be lighter and shorter than elsewhere--unquestionably stemming from the higher proportion of Hispanic opponents in that city.

[INSERT TABLES 64, 65, AND 66 HERE]

Table 67 presents the work status of the opponent. Clearly, people in the white collar and professional categories are almost completely out of the scene (2.2 percent among shooters and 0.0 percent among non-shooters). The percentage of unemployed opponents of non-shooters (38.7 percent) is very nearly twice that of shooters (19.4 percent). Several of the numbers are very low (as, for example, a total of two in Birmingham for non-shooters), because of the difficulty of getting background information on opponents.

[INSERT TABLE 67 HERE]

TABLE 62. SEX OF OPPONENT

Shoot

		<u>City</u>					
		Count				Row	
		Row %	Oakland,	Birming-	Miami,FL	Newark,	Total
		Col %	CA	ham,AL		NJ	
			1.:	2.:	3.:	4.:	
<u>Status</u>							
Male	1.	50	114	82	90	336	
		14.9	33.0	24.4	26.8	98.2	
		96.2	98.3	98.8	98.9		
Female	2.	2	2	1	1	6	
		33.3	33.3	16.7	16.7	1.8	
		3.8	1.7	1.2	1.1		
	Column Total	52	116	83	91	342	
		15.2	33.9	24.3	26.6	100.0	

Non-Shoot

		<u>City</u>					
		Count				Row	
		Row %	Oakland,	Birming-	Miami,FL	Newark,	Total
		Col %	CA	ham,AL		NJ	
			1.:	2.:	3.:	4.:	
<u>Status</u>							
Male	1.	24	21	21	30	96	
		25.0	21.9	21.9	31.3	98.0	
		100.0	95.5	100.0	96.8		
Female	2.	0	1	0	1	2	
		0.0	50.0	0.0	50.0	2.0	
		0.0	4.5	0.0	3.2		
	Column Total	24	22	21	31	98	
		24.5	22.4	21.4	31.6	100.0	

TABLE 63. RACE OF OPPONENT

Shoot

	Count	<u>City</u>				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
<u>Status</u>	1.	2.	3.	4.		
Caucasian	7	25	17	5	54	
	13.0	46.3	31.5	9.3	15.7	
	13.5	21.2	20.7	5.4		
Black	41	93	42	73	249	
	16.5	37.3	16.9	29.3	72.2	
	78.8	78.8	51.2	78.5		
Hispanic	1	0	23	15	39	
	2.6	0.0	59.0	38.5	11.3	
	1.9	0.0	28.0	16.1		
Asian	1	0	0	0	1	
	100.0	0.0	0.0	0.0	0.3	
	1.9	0.0	0.0	0.0		
Other	2	0	0	0	2	
	100.0	0.0	0.0	0.0	0.6	
	3.8	0.0	0.0	0.0		
Column Total	52	118	82	93	345	
	15.1	34.2	23.8	27.0	100.0	

Non-Shoot

	Count	<u>City</u>				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
<u>Status</u>	1.	2.	3.	4.		
Caucasian	1	7	2	3	13	
	7.7	53.8	15.4	23.1	13.3	
	4.2	31.8	9.5	9.7		
Black	23	15	13	26	77	
	29.9	19.5	16.9	33.8	78.6	
	95.8	68.2	61.9	83.9		
Hispanic	0	0	6	2	8	
	0.0	0.0	75.0	25.0	8.2	
	0.0	0.0	28.6	6.5		
Column Total	24	22	21	31	98	
	24.5	22.4	21.4	31.6	100.0	

TABLE 64. AGE OF OPPONENT

Shoot

Status	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
2.	0	2	5	4	11	
11-15 years	0.0	18.2	45.5	36.4	3.7	
	0.0	1.9	6.6	6.2		
3.	11	23	19	15	68	
16-20 years	16.2	33.8	27.9	22.1	23.1	
	21.6	22.3	25.0	23.1		
4.	17	37	22	30	106	
21-25 years	16.0	34.9	20.8	29.3	35.9	
	33.3	35.9	28.9	46.2		
5.	6	19	14	8	47	
26-30 years	12.8	40.4	29.8	17.0	15.9	
	11.8	18.4	18.4	12.3		
6.	11	15	11	5	42	
31-40 years	26.2	35.7	26.2	11.9	14.2	
	21.6	14.6	14.5	7.7		
7.	5	4	4	1	14	
41-50 years	35.7	28.6	28.6	7.1	4.7	
	9.8	3.9	5.3	1.5		
8.	1	2	1	2	6	
51-60 years	16.7	33.3	16.7	33.3	2.0	
	2.0	1.9	1.3	3.1		
9.	0	1	0	0	1	
61 and over	0.0	100.0	0.0	0.0	0.3	
	0.0	1.0	0.0	0.0		
Column Total	51	103	76	65	295	
	17.3	34.9	25.8	22.0	100.0	

Non-Shoot

Status	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
1.	1	0	0	0	1	
1-10 years	100.0	0.0	0.0	0.0	1.1	
	4.2	0.0	0.0	0.0		
2.	0	0	0	2	2	
11-15 years	0.0	0.0	0.0	100.0	2.2	
	0.0	0.0	0.0	7.7		
3.	3	4	6	6	19	
16-20 years	15.8	21.1	31.6	31.6	20.4	
	12.5	19.2	28.6	23.1		
4.	5	4	4	15	29	
21-25 years	17.9	14.3	14.3	53.6	30.1	
	20.8	18.2	19.0	57.7		
5.	5	6	4	1	16	
26-30 years	31.3	37.5	25.0	6.3	17.2	
	20.8	27.3	19.0	3.8		
6.	4	6	3	1	14	
31-40 years	28.6	42.9	21.4	7.1	15.1	
	16.7	27.3	14.3	3.8		
7.	3	2	3	1	9	
41-50 years	33.3	22.2	33.3	11.1	9.7	
	12.5	9.1	14.3	3.8		
8.	1	0	0	0	1	
51-60 years	100.0	0.0	0.0	0.0	1.1	
	4.2	0.0	0.0	0.0		
9.	2	0	1	0	3	
61 and over	66.7	0.0	33.3	0.0	3.2	
	3.3	0.0	4.3	3.0		
Column Total	24	22	21	25	92	
Total	25.8	23.7	22.6	28.0	100.0	

TABLE 65. WEIGHT OF OPPONENT

Shoot

Status	City				Row Total
	Count	Count	Count	Count	
	Row %	Row %	Row %	Row %	
	Col %	Col %	Col %	Col %	
	1.	2.	3.	4.	
1.	0	1	1	0	2
Under 100 lbs.	0.0	50.0	50.0	0.0	0.8
	0.0	1.0	1.3	0.0	
2.	10	32	44	8	94
100-150 lbs.	10.5	34.0	46.8	8.5	39.8
	22.7	33.3	57.9	40.0	
3.	20	30	21	5	76
151-175 lbs.	26.3	39.5	27.6	6.6	32.2
	45.5	31.3	27.6	25.0	
4.	11	25	8	6	50
176-200 lbs.	22.0	50.0	16.0	12.0	21.2
	25.0	26.0	10.5	30.0	
5.	3	2	1	1	7
201-225 lbs.	42.9	28.6	14.3	14.3	3.0
	6.8	2.1	1.3	5.0	
6.	0	6	1	0	7
226 lbs. and over	0.0	85.7	14.3	0.0	3.0
	0.0	6.3	1.3	0.0	
Column Total	44	96	76	20	236
Total	18.6	40.7	32.2	8.5	100.0

Non-Shoot

Status	City				Row Total
	Count	Count	Count	Count	
	Row %	Row %	Row %	Row %	
	Col %	Col %	Col %	Col %	
	1.	2.	3.	4.	
1.	1	0	0	0	1
Under 100 lbs.	100.0	0.0	0.0	0.0	1.2
	4.2	0.0	0.0	0.0	
2.	6	6	7	4	23
100-150 lbs.	26.1	26.1	30.4	17.4	28.0
	25.0	28.6	33.3	25.0	
3.	11	11	5	4	31
151-175 lbs.	35.5	35.5	16.1	12.9	37.8
	45.8	52.4	23.8	25.0	
4.	4	2	7	6	19
176-200 lbs.	21.1	10.5	36.8	31.6	23.2
	16.7	9.5	33.3	37.5	
5.	1	1	2	2	6
201-225 lbs.	16.7	16.7	33.3	33.3	7.3
	4.2	4.8	9.5	12.5	
6.	1	1	0	0	2
226 lbs. and over	50.0	50.0	0.0	0.0	2.4
	4.2	4.8	0.0	0.0	
Column Total	24	21	21	16	82
Total	29.3	25.6	25.6	19.5	100.0

TABLE 66. HEIGHT OF OPPONENT

Shoot	Count	City				Row Total	
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ		
Status	Row %	Col %	1.	2.	3.	4.	Row Total
5'0" - 5'5"	2.		4	9	6	3	22
			18.2	40.9	27.3	13.6	9.4
5'6" - 5'10"	3.		29	42	56	5	132
			22.0	31.8	42.4	3.8	56.2
5'11" - 6'2"	4.		11	37	15	10	73
			15.1	50.7	20.5	13.7	31.1
6'3" - 6'6"	5.		1	5	0	0	6
			16.7	83.3	0.0	0.0	2.6
6'7" and over	6.		0	2	0	0	2
			0.0	100.0	0.0	0.0	0.9
Column Total			45	95	77	18	235
			19.1	40.4	32.8	7.7	100.0

Non-Shoot

Non-Shoot	Count	City				Row Total	
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ		
Status	Row %	Col %	1.	2.	3.	4.	Row Total
Under 5'	1.		1	0	0	0	1
			100.0	0.0	0.0	0.0	1.3
5'0" - 5'5"	2.		3	3	0	0	6
			50.0	50.0	0.0	0.0	7.9
5'6" - 5'10"	3.		11	8	14	5	38
			23.9	21.1	36.8	13.2	50.0
5'11" - 6'2"	4.		9	8	7	4	28
			32.1	28.6	25.0	14.3	36.8
6'3" - 6'6"	5.		0	2	0	1	3
			0.0	56.7	0.0	33.3	3.9
Column Total			24	21	21	10	76
			31.6	27.6	27.6	13.2	100.0

TABLE 67. WORK STATUS OF OPPONENT

Shoot

Status	Count	City				Row Total	
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ		
	Row %	Col %	1.	2.	3.	4.	
Professional	1		0	0	0	1	1
	0.0		0.0	0.0	0.0	100.0	1.1
	0.0		0.0	0.0	0.0	7.1	
White Collar	1		0	0	1	0	1
	0.0		0.0	0.0	100.0	0.0	1.1
	0.0		0.0	0.0	2.3	0.0	
Blue Collar	34		8	11	11	4	34
	23.5		32.4	32.4	32.4	11.8	36.6
	61.5		50.0	25.0	28.6		
Other	4		4	5	27	3	39
	10.3		12.8	12.8	69.2	7.7	41.9
	30.8		22.7	22.7	61.4	21.4	
Unemployed	5		1	6	5	6	18
	5.6		33.3	33.3	27.8	33.3	19.4
	7.7		27.3	27.3	11.4	42.9	
Column Total			13	22	44	14	93
			14.0	23.7	47.3	15.1	100.0

Non-Shoot

Status	Count	City				Row Total	
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ		
	Row %	Col %	1.	2.	3.	4.	
Blue Collar	3		3	2	2	2	9
	33.3		22.2	22.2	22.2	22.2	29.0
	20.0		100.0	20.0	20.0	50.0	
Other	4		6	0	3	1	10
	60.0		0.0	0.0	30.0	10.0	32.3
	40.0		0.0	0.0	30.0	25.0	
Unemployed	5		6	0	5	1	12
	50.0		0.0	0.0	41.7	8.3	38.7
	40.0		0.0	0.0	50.0	25.0	
Column Total			15	2	10	2	31
			48.4	6.5	32.3	12.9	100.0

The extent of injury on the part of the opponent is shown in Table 68. There was no injury in 55.7 percent of the shooting cases, and the fatality rate is 13.2 percent.

[INSERT TABLE 68 HERE]

Development of the Armed Confrontation

The conceptual position we have taken in the sequence of events that begins with a need for police service and ends with a shooting is described in the first chapter of Volume II (as well as in various parts of Volume III). In this section, we will consider the development of the sequence of events from the perspective of the officer.

We begin with officer's preparation for the incident. Table 69 summarizes the attitudes of officers on the question of whether or not they were given proper (prior) guidance by the department in handling deadly force incidents. Table 70 summarizes attitudes on the question of proper assistance by the department. There were no responses to either question from non-shooters in Oakland. Marginally, the non-shooters indicate considerably less guidance and assistance from their departments, but it should be noted that only Miami had a substantial number of officers who responded to the questions. And there the percentages of "yes" responses were 86.9 for shooters and 78.9 for non-shooters to the guidance question, and 83.0 for shooters and 78.9 for non-shooters to the assistance question. Overall, however, a substantial majority of officers seem to think that their departments prepare them adequately for deadly force encounters.

[INSERT TABLES 69 AND 70 HERE]

The issue of officer attitude regarding the adequacy of departmental policy is covered in Table 71. The data in Newark are too few for analysis.

TABLE 68. EXTENT OF INJURY OF OPPONENT

Shoot

	Count	City				Row Total	
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ		
	Row %	Col %	1.	2.	3.	4.	
<u>Status</u>							
None	1.	24	64	51	60	199	
		12.1	32.2	25.6	30.2	55.7	
		46.2	54.7	62.2	56.6		
Slight	2.	6	17	13	0	36	
		16.7	47.2	36.1	0.0	10.1	
		11.5	14.5	15.9	0.0		
Serious	3.	9	21	10	35	75	
		12.0	28.0	13.3	46.7	21.0	
		17.3	17.90	12.2	33.0		
Fatal	4.	13	15	8	11	47	
		27.7	31.9	17.0	23.4	13.2	
		25.0	12.8	9.8	10.4		
Column Total		52	117	82	106	357	
		14.6	32.8	23.0	29.7	100.0	

Non-Shoot

	Count	City				Row Total	
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ		
	Row %	Col %	1.	2.	3.	4.	
<u>Status</u>							
None	1.	22	17	17	27	83	
		26.5	20.5	20.5	32.5	85.6	
		91.7	77.3	81.0	90.0		
Slight	2.	2	3	4	3	12	
		16.7	25.0	33.3	25.0	12.4	
		8.3	13.6	19.0	10.0		
Serious	3.	0	1	0	0	1	
		0.0	100.0	0.0	0.0	1.0	
		0.0	4.5	0.0	0.0		
Fatal	4.	0	1	0	0	1	
		0.0	100.0	0.0	0.0	1.0	
		0.0	4.5	0.0	0.0		
Column Total		24	22	21	30	97	
		24.7	22.7	21.6	30.9	100.0	

Table 69. OFFICER GIVEN PROPER GUIDANCE BY DEPARTMENT IN HANDLING INCIDENTS INVOLVING DEADLY FORCE

Shoot

<u>Given Guidance</u>		<u>City</u>				Row Total	
		Count	1.	2.	3.		4.
		Row % Col %	Oakland, CA	Birming- ham,AL	Miami,FL NJ		Newark, NJ
Yes	1.	5	9	53	6	73	
		6.8	12.3	72.6	8.2	84.9	
		62.5	81.8	86.9	100.0		
No	2.	3	2	8	0	13	
		23.1	15.4	61.5	0.0	15.1	
		37.5	18.2	13.1	0.0		
	Column Total	8	11	61	6	86	
		9.3	12.8	70.9	7.0	100.0	

Non-Shoot

<u>Given Guidance</u>		<u>City</u>				Row Total
		Count	2.	3.	4.	
		Row % Col %	Birming- ham,AL	Miami,FL NJ	Newark, NJ	
Yes	1.	11	15	1		27
		40.7	55.6	3.7		64.3
		55.0	78.9	33.3		
No	2.	9	4	2		15
		60.0	26.7	13.3		35.7
		45.0	21.1	66.7		
	Column Total	20	19	3		42
		47.6	45.2	7.1		100.0

Table 70. OFFICER GIVEN PROPER ASSISTANCE BY DEPARTMENT IN HANDLING INCIDENTS INVOLVING DEADLY FORCE

Shoot

<u>Given Assistance</u>	Count	<u>City</u>				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
Yes	1.	4	7	44	2	57
		7.0	12.3	77.2	3.5	80.3
		57.1	87.5	83.0	66.7	
No	2.	3	1	9	1	14
		21.4	7.1	64.3	7.1	19.7
		42.9	12.5	17.0	33.3	
	Column Total	7	8	53	3	71
	Total	9.9	11.3	74.6	4.2	100.0

Non-Shoot

<u>Given Assistance</u>	Count	<u>City</u>			Row Total
		Birmingham, AL	Miami, FL	Newark, NJ	
		2.	3.	4.	
Yes	1.	11	15	0	26
		42.3	57.7	0.0	65.0
		55.0	78.9	0.0	
NO	2.	9	4	1	14
		64.3	28.6	7.1	35.0
		45.0	21.1	100.0	
	Column Total	20	19	1	40
	Total	50.0	47.5	2.5	100.0

Over the other three cities, what stands out is the higher proportion of "yes" responses for Oakland than for Miami and Birmingham. That probably reflects the relatively stable condition in Oakland in regard to policy, and the greater flux in Miami and Birmingham. As in the case of the preceding two questions, shooters seem a bit more positive in their attitudes toward their departments than non-shooters.

[INSERT TABLE 71 HERE]

Table 72 shows circumstances that brought about the police intervention. The pattern of activities or conditions that initially brought the officer to the confrontation was similar for shooters and non-shooters. The modal circumstance in both cases was a citizen-to-citizen shooting, though the percentage for that circumstance was higher for the non-shooters than the shooters (43.4 percent as against 33.2 percent). The shooters had a higher proportion of robberies (20.0 percent vs. 11.8 percent) and a lower proportion of traffic incidents (3.4 percent vs. 11.8 percent).

[INSERT TABLE 72 HERE]

Prior information regarding the opponent is summarized in Table 73. In only 35.0 percent of cases for shooters did officers have no knowledge regarding the opponent; the comparable figure for non-shooters is 26.7 percent. Shooters knew the opponent in 18.2 percent of the cases and non-shooters in 31.4 percent.

[INSERT TABLE 73 HERE]

The officers' initial assessment of risk (in the process of answering the call) is summarized in Table 74. Somewhat over half of the shooters (58.8 percent) and a higher proportion of non-shooters (71.5 percent) had a

Table 71. IS POLICY ADEQUATE IN HANDLING INCIDENTS INVOLVING USE OF DEADLY FORCE

Shoot

Policy Adequate		City				Row Total
		1.:	2.:	3.:	4.:	
	Count :					
	Row % :	Oakland, CA	Birming- ham, AL	Miami, FL	Newark, NJ	
	Col % :	1.:	2.:	3.:	4.:	
Yes	1.	42	42	41	4	129
		32.6	32.6	31.8	3.1	82.7
		91.3	84.0	77.4	57.1	
No	2.	4	8	12	0	24
		16.7	33.3	50.0	0.0	15.4
		8.7	16.0	22.6	0.0	
	8.	0	0	0	3	3
		0.0	0.0	0.0	100.0	1.9
		0.0	0.0	0.0	42.9	
Column Total		46	50	53	7	156
		29.5	32.1	34.0	4.5	100.0

Non-Shoot

Policy Adequate		City				Row Total
		1.:	2.:	3.:	4.:	
	Count :					
	Row % :	Oakland, CA	Birming- ham, AL	Miami, FL	Newark, NJ	
	Col % :	1.:	2.:	3.:	4.:	
Yes	1.	22	17	16	0	55
		40.0	30.9	29.1	0.0	77.5
		91.7	68.0	76.2	0.0	
No	2.	2	8	5	1	16
		12.5	50.0	31.3	6.3	22.5
		8.3	32.0	23.8	100.0	
Column Total		24	25	21	1	71
		33.8	35.2	29.6	1.4	100.0

Table 72. CIRCUMSTANCES THAT REQUIRED POLICE ATTENTION (cont'd)

Non-Shoot

Circumstance	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	Row %	1.	2.	3.	4.	
	Col %					
Shooting	1.	11	12	6	4	33
		33.3	36.4	18.2	12.1	43.4
		45.8	48.0	28.6	66.7	
Robbery	2.	2	7	0	0	9
		22.2	77.8	0.0	0.0	11.8
		8.3	28.0	0.0	0.0	
Burglary	3.	0	1	3	0	4
		0.0	25.0	75.0	0.0	5.3
		0.0	4.0	14.3	0.0	
Disturbance: Domestic	4.	2	0	0	0	2
		100.0	0.0	0.0	0.0	2.6
		8.3	0.0	0.0	0.0	
Disturbance: Other	5.	2	2	0	0	4
		50.0	50.0	0.0	0.0	5.3
		8.3	8.0	0.0	0.0	
Traffic	6.	3	2	4	0	9
		33.3	22.2	44.4	0.0	11.8
		12.5	8.0	19.0	0.0	
Service of Warrant	7.	4	0	2	1	7
		57.1	0.0	28.6	14.3	9.2
		16.7	0.0	9.5	16.7	
Mental Case	8.	0	1	0	0	1
		0.0	100.0	0.0	0.0	1.3
		0.0	4.0	0.0	0.0	
Other	9.	0	0	6	1	7
		0.0	0.0	85.7	14.3	9.2
		0.0	0.0	28.6	16.7	
Column Total		24	25	21	6	76
		31.6	32.9	27.6	7.9	100.0

Table 72. CIRCUMSTANCES THAT REQUIRED POLICE ATTENTION

Shoot

Circumstance	Count	City				Row Total
		Row % Col %	Oakland, CA	Birmingham, AL	Miami, FL Newark, NJ	
		1.	2.	3.	4.	
Shooting	1.	14	25	19	10	68
		20.6	36.8	27.9	14.7	33.2
		26.9	39.1	27.9	47.6	
Robbery	2.	19	13	8	1	41
		46.3	31.7	19.5	2.4	20.0
		36.5	20.3	11.8	4.8	
Burglary	3.	1	13	18	0	32
		3.1	40.6	56.3	0.0	15.6
		1.9	20.3	26.5	0.0	
Disturbance: Domestic	4.	2	2	1	0	5
		40.0	40.0	20.0	0.0	2.4
		3.8	3.1	1.5	0.0	
Disturbance: Other	5.	3	3	2	3	11
		27.3	27.3	18.2	27.3	5.4
		5.8	4.7	2.9	14.3	
Traffic	6.	4	1	1	1	7
		57.1	14.3	14.3	14.3	3.4
		7.7	1.6	1.5	4.8	
Service of Warrant	7.	5	1	3	1	10
		50.0	10.0	30.0	10.0	4.9
		9.6	1.6	4.4	4.8	
Mental Case	8.	0	5	0	1	6
		0.0	83.3	0.0	16.7	2.9
		0.0	7.8	0.0	4.8	
Other	9.	4	1	15	4	25
		16.0	4.0	64.0	16.0	12.2
		7.7	1.6	23.5	19.0	
Column Total		52	64	68	21	205
		25.4	31.2	33.2	10.2	100.0

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Table 73. OFFICER'S INFORMATION REGARDING OPPONENT

Shoot

Information	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	1.	2.	3.	4.		
Knows Suspect	8	3	17	11	39	
	20.5	7.7	43.6	28.2	18.2	
	15.7	4.8	24.6	34.4		
Above Average Knowledge	9	2	5	1	17	
	52.9	11.8	29.4	5.9	7.9	
	17.6	3.2	7.2	3.1		
Average Knowledge	7	10	11	6	34	
	20.6	29.4	32.4	17.6	15.9	
	13.7	16.1	15.9	18.8		
Minor Knowledge	15	19	11	4	49	
	30.6	38.8	22.4	8.2	22.9	
	29.4	30.6	15.9	12.5		
None	12	28	25	10	75	
	16.0	37.3	33.3	13.3	35.0	
	23.5	45.2	36.2	31.3		
Column Total	51	62	69	32	214	
	23.8	29.0	32.2	15.0	100.0	

(Continued on next page)

Table 73. OFFICER'S INFORMATION REGARDING OPPONENT (cont'd)

Non-Shoot

Information	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	1.	2.	3.	4.		
Knows Suspect	7	5	14	1	27	
	25.9	18.5	51.9	3.7	31.4	
	29.2	20.0	66.7	6.3		
Above Average Knowledge	3	0	0	5	8	
	37.5	0.0	0.0	62.5	9.3	
	12.5	0.0	0.0	31.3		
Average Knowledge	3	4	4	3	14	
	21.4	28.6	28.6	21.4	16.3	
	12.5	16.0	19.0	18.8		
Minor Knowledge	4	7	2	1	14	
	28.6	50.0	14.3	7.1	16.3	
	16.7	28.0	9.5	6.3		
None	7	9	1	6	23	
	30.4	39.1	4.3	26.1	26.7	
	29.2	36.0	4.8	37.5		
Column Total	24	25	21	16	86	
	27.9	29.1	24.4	18.6	100.0	

feeling that deadly force possibly, probably, or certainly would be used. Only 14.8 percent of shooters and 12.1 percent of non-shooters entered the context with no awareness of risk.

[INSERT TABLE 74 HERE]

Tables 75 and 76 present information on plans of officer at the time of arrival on the scene. As shown in Table 75, 56.6 percent of shooters and 64.4 percent of non-shooters had no plans. And for those who had a plan, Table 76 shows that the plan was primarily to "follow operational routine" (76.6 percent for shooters and 80.6 percent for non-shooters. The only alternative selected with reasonable frequency was consideration of the actual meeting with the opponent (13.8 percent for shooters and 19.4 percent for non-shooters).

[INSERT TABLES 75 AND 76 HERE]

Table 77 presents actions of the officers, based on initial impressions, on actually encountering the opponent. Almost one-third of shooters and non-shooters (28.1 percent in both cases) tried to engage the opponent in conversation, and about one-half unholstered their weapons (47.3 percent for shooters and 51.7 percent for non-shooters). About the same proportions of officers went on to point their weapons (46.0 percent and 50.6 percent, respectively). Surprisingly, the vast majority (79.0 percent of shooters and 80.9 percent of non-shooters) did not take cover, and only a few more than one-fifth called for assistance (22.3 percent and 21.3 percent, respectively).

[INSERT TABLE 77 HERE]

Table 78 shows the consistency between prior information and observations made on arrival at the scene. Support for the earlier information was

Table 74. OFFICER'S INITIAL ASSESSMENT REGARDING USE OF DEADLY FORCE

Shoot

	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
<u>Awareness</u>						
No Awareness of Risk	1.	6 18.2 11.5	8 24.2 12.5	15 45.5 21.7	4 12.1 10.5	33 14.8
Some Awareness of Risk	2.	17 28.8 32.7	14 23.7 21.9	23 39.0 33.3	5 8.5 13.2	59 26.5
Sense Might Possibly Be Use of Deadly Force	3.	19 26.4 36.5	23 31.9 35.9	19 26.4 27.5	11 15.3 28.9	72 32.3
Sense Would Probably Be Use of Deadly Force	4.	7 18.9 13.5	10 27.0 15.6	7 18.9 10.1	13 35.1 34.2	37 16.6
Sense Would Certainly Be Use of Deadly Force	5.	3 13.6 5.8	9 40.9 14.1	5 22.7 7.2	5 22.7 13.2	22 9.9
Column Total		52 23.3	64 28.7	69 30.9	38 17.0	223 100.0

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Table 74. OFFICER'S INITIAL ASSESSMENT REGARDING USE OF DEADLY FORCE
(cont'd)

Non-Shoot

	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	Row %	1.	2.	3.	4.	
	Col %					
<u>Awareness</u>						
No Awareness of Risk	1.	2	4	4	1	11
		18.2	36.4	36.4	9.1	12.1
		8.3	16.0	20.0	4.5	
Some Awareness of Risk	2.	5	4	3	3	15
		33.3	26.7	20.0	20.0	16.5
		20.8	16.0	15.0	13.6	
Sense Might Possibly Be Use of Deadly Force	3.	10	10	7	5	32
		31.3	31.3	21.9	15.6	35.2
		41.7	40.0	35.0	22.7	
Sense Would Probably be Use of Deadly Force	4.	5	4	4	7	20
		25.0	20.0	20.0	35.0	22.0
		20.8	16.0	20.0	31.8	
Sense Would Certainly be Use of Deadly Force	5.	2	3	2	6	13
		15.4	23.1	15.4	46.2	14.3
		8.3	12.0	10.0	27.3	
Column Total		24	25	20	22	91
		26.4	27.5	22.0	24.2	100.0

Table 75. PLANS MADE PRIOR TO ARRIVAL ON SCENE

Shoot

<u>Plans Made</u>		<u>City</u>				Row Total
		Count	Row %	Col %		
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
Yes	1.	28	26	30	12	96
		29.2	27.1	31.3	12.5	43.4
		53.8	40.6	43.5	33.3	
No	2.	24	38	39	24	125
		19.2	30.4	31.2	19.2	56.6
		46.2	59.4	56.5	66.7	
Column Total		52	64	69	36	221
Total		23.5	29.0	31.2	16.3	100.0

Non-Shoot

<u>Plans Made</u>		<u>City</u>				Row Total
		Count	Row %	Col %		
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
Yes	1.	13	10	5	3	31
		41.9	32.3	16.1	9.7	35.6
		54.2	40.0	25.0	16.7	
No	2.	11	15	15	15	56
		19.6	26.8	26.8	26.8	64.4
		45.8	60.0	75.0	83.3	
Column Total		24	25	20	18	87
Total		27.6	28.7	23.0	20.7	100.0

Table 76. TYPE OF PLAN MADE PRIOR TO ARRIVAL ON SCENE

Shoot

Type of Plan	Count	City				Row Total	
		Row %	Oakland, CA	Birmingham, AL	Miami, FL		Newark, NJ
		Col %	1.:	2.:	3.:		4.:
Planning Meeting	5	38.5	15.4	46.2	0.0	13.8	
	17.9	7.7	20.0	0.0			
Followed Operational Routine	19	26.4	33.3	33.3	6.9	76.6	
	67.9	92.3	80.0	50.0			
Discussed Original Plan	2	66.7	0.0	0.0	33.3	3.2	
	7.1	0.0	0.0	10.0			
Dependence On Officer Experience	2	33.3	0.0	0.0	66.7	6.4	
	7.1	0.0	0.0	40.0			
Column Total	28	29.8	27.7	31.9	10.6	94	
						100.0	

Non-Shoot

Type of Plan	Count	City				Row Total	
		Row %	Oakland, CA	Birmingham, AL	Miami, FL		Newark, NJ
		Col %	1.:	2.:	3.:		4.:
Planning Meeting	4	66.7	0.0	33.3	0.0	19.4	
	33.3	0.0	33.3	0.0			
Follow Operational Routine	8	32.0	40.0	16.0	12.0	80.6	
	66.7	100.0	66.7	100.0			
Column Total	12	38.7	32.3	19.4	9.7	31	
						100.0	

Table 77. ACTIONS OF OFFICER BASED ON INITIAL IMPRESSIONS

OFFICER ACTION: MAINTAINED VIGILANCE

Shoot

		<u>City</u>				
		Count	Row %	Col %	Row Total	
		:Oakland,	:Birming-	:Miami,FL	:Newark,	
		:CA	:ham,AL		:NJ	
		: 1.:	: 2.:	: 3.:	: 4.:	
<u>Maintain</u>	<u>Vigilance</u>	-----				
No	0.	27	41	48	34	150
		18.0	27.3	32.0	22.7	67.0
		51.9	64.1	69.6	87.2	
Yes	1.	25	23	21	5	74
		33.8	31.1	28.4	6.8	33.0
		48.1	35.9	30.4	12.8	
Column Total		52	64	69	39	224
Total		23.2	28.6	30.8	17.4	100.0

Non-Shoot

		<u>City</u>				
		Count	Row %	Col %	Row Total	
		:Oakland,	:Birming-	:Miami,FL	:Newark,	
		:CA	:ham,AL		:NJ	
		: 1.:	: 2.:	: 3.:	: 4.:	
<u>Maintain</u>	<u>Vigilance</u>	-----				
No	0.	13	18	9	16	56
		23.2	32.1	16.1	28.6	62.9
		54.2	72.0	42.9	84.2	
Yes	1.	11	7	12	3	33
		33.3	21.2	36.4	9.1	37.1
		45.8	28.0	57.1	15.8	
Column Total		24	25	21	19	89
Total		27.0	28.1	23.6	21.3	100.0

(Continued on next page)

Table 77. ACTIONS OF OFFICER BASED ON INITIAL IMPRESSIONS (cont'd)

OFFICER ACTION: TRIED TO APPREHEND THE SUSPECT

Shoot

	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
Apprehend Suspect	0.	1.	2.	3.	4.	
No	45	54	63	35	197	
	22.8	27.4	32.0	17.8	87.9	
	86.5	84.4	91.3	89.7		
Yes	7	10	6	4	27	
	25.9	37.0	22.2	14.8	12.1	
	13.5	15.6	8.7	10.3		
Column Total	52	64	69	39	224	
	23.2	28.6	30.8	17.4	100.0	

Non-Shoot

	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
Apprehend Suspect	0.	1.	2.	3.	4.	
No	21	23	21	16	81	
	25.9	28.4	25.9	19.8	91.0	
	87.5	92.0	100.0	84.2		
Yes	3	2	0	3	8	
	37.5	25.0	0.0	37.5	9.0	
	12.5	8.0	0.0	15.8		
Column Total	24	25	21	19	89	
	27.0	28.1	23.6	21.3	100.0	

(Continued on next page)

Table 77. ACTIONS OF OFFICER BASED ON INITIAL IMPRESSIONS (cont'd)

OFFICER ACTION: TRIED TO ENGAGE PARTICIPANT IN CONVERSATION

Shoot

	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
Engage in Conversation		1.	2.	3.	4.	
No	0.	27	47	51	36	161
		16.8	29.2	31.7	22.4	71.9
		51.9	73.4	73.9	92.3	
Yes	1.	25	17	18	3	63
		39.7	27.0	28.6	4.8	28.1
		48.1	26.6	26.1	7.7	
Column Total		52	64	69	39	224
		23.2	28.6	30.8	17.4	100.0

Non-Shoot

	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
Engage in Conversation		1.	2.	3.	4.	
No	0.	15	15	15	19	64
		23.4	23.4	23.4	29.7	71.9
		62.5	60.0	71.4	100.0	
Yes	1.	9	10	6	0	25
		36.0	40.0	24.0	0.0	28.1
		37.5	40.0	28.6	0.0	
Column Total		24	25	21	19	89
		27.0	28.1	23.6	21.3	100.0

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Table 77. ACTIONS OF OFFICER BASED ON INITIAL IMPRESSIONS (cont'd)

OFFICER ACTION: UNHOLSTERED WEAPON

Shoot

	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
Unholster Weapon	0.	1.	2.	3.	4.	
No	29	40	33	16	118	
	24.6	33.9	28.0	13.6	52.7	
	55.8	62.5	47.8	41.0		
Yes	23	24	36	23	106	
	21.7	22.6	34.0	21.7	47.3	
	44.2	37.5	52.2	59.0		
Column Total	52	64	69	39	224	
	23.2	28.6	30.8	17.4	100.0	

Non-Shoot

	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
Unholster Weapon	0.	1.	2.	3.	4.	
No	11	13	8	11	43	
	25.6	30.2	18.6	25.6	48.3	
	45.8	52.0	38.1	57.9		
Yes	13	12	13	8	46	
	28.3	26.1	28.3	17.4	51.7	
	54.2	48.0	61.9	42.1		
Column Total	24	25	21	19	89	
	27.0	28.1	23.6	21.3	100.0	

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Table 77. ACTIONS OF OFFICER BASED ON INITIAL IMPRESSIONS (cont'd)

OFFICER ACTION: POINTED WEAPON

Shoot

<u>Point Weapon</u>		<u>City</u>				Row Total
		Count	Row %	Col %	Count	
		Oakland, CA	Birming- ham,AL	Miami,FL	Newark, NJ	
		1.:	2.:	3.:	4.:	
No	0.	27	37	40	17	121
		22.3	30.6	33.1	14.0	54.0
		51.9	57.8	58.0	43.6	
Yes	1.	25	27	29	22	103
		24.3	26.2	28.2	21.4	46.0
		48.1	42.2	42.0	56.4	
	Column Total	52	64	69	39	224
		23.2	28.6	30.8	17.4	100.0

Non-Shoot

<u>Point Weapon</u>		<u>City</u>				Row Total
		Count	Row %	Col %	Count	
		Oakland, CA	Birming- ham,AL	Miami,FL	Newark, NJ	
		1.:	2.:	3.:	4.:	
No	0.	10	15	11	8	44
		22.7	34.1	25.0	18.2	49.4
		41.7	60.0	52.4	42.1	
Yes	1.	14	10	10	11	45
		31.1	22.2	22.2	24.4	50.6
		58.3	40.0	47.6	57.9	
	Column Total	24	25	21	19	89
		27.0	28.1	23.6	21.3	100.0

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Table 77. ACTIONS OF OFFICER BASED ON INITIAL IMPRESSIONS (cont'd)

OFFICER ACTION: TOOK COVER

Shoot

Take Cover	Count	City				Row Total
		Oakland, CA	Birming- ham,AL	Miami,FL	Newark, NJ	
		1.	2.	3.	4.	
No	0.	34	50	56	37	177
		19.2	28.2	31.6	20.9	79.0
		65.4	78.1	81.2	94.9	
Yes	1.	18	14	13	2	47
		38.3	29.8	27.7	4.3	21.0
		34.6	21.9	18.8	5.1	
	Column Total	52	64	69	39	224
		23.2	28.6	30.8	17.4	100.0

Non-Shoot

Take Cover	Count	City				Row Total
		Oakland, CA	Birming- ham,AL	Miami,FL	Newark, NJ	
		1.	2.	3.	4.	
No	0.	18	16	19	19	72
		25.0	22.2	26.4	26.4	80.9
		75.0	64.0	90.5	100.0	
Yes	1.	6	9	2	0	17
		35.3	52.9	11.8	0.0	19.1
		25.0	36.0	9.5	0.0	
	Column Total	24	25	21	19	89
		27.0	28.1	23.6	21.3	100.0

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Table 77. ACTIONS OF OFFICER BASED ON INITIAL IMPRESSIONS (cont'd)

OFFICER ACTION: CALLED FOR ASSISTANCE

Shoot

		City					
		Count				Row	
		Row %	Oakland,	Birming-	Miami,FL	Newark,	Total
		Col %	CA	ham,AL		NJ	
			1.:	2.:	3.:	4.:	
<u>Call For</u>	<u>Assistance</u>						
No	0.	43	46	49	36	174	
		24.7	26.4	28.2	20.7	77.7	
		82.7	71.9	71.0	92.3		
Yes	1.	9	18	20	3	50	
		18.0	36.0	40.0	6.0	22.3	
		17.3	28.1	29.0	7.7		
Column Total		52	64	69	39	224	
Total		23.2	28.6	30.8	17.4	100.0	

Non-Shoot

		City					
		Count				Row	
		Row %	Oakland,	Birming-	Miami,FL	Newark,	Total
		Col %	CA	ham,AL		NJ	
			1.:	2.:	3.:	4.:	
<u>Call For</u>	<u>Assistance</u>						
No	0.	21	18	13	18	70	
		30.0	25.7	18.6	25.7	78.7	
		87.5	72.0	61.9	94.7		
Yes	1.	3	7	8	1	19	
		15.8	36.8	42.1	5.3	21.3	
		12.5	28.0	38.1	5.3		
Column Total		24	25	21	19	89	
Total		27.0	28.1	23.6	21.3	100.0	

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Table 77. ACTIONS OF OFFICER BASED ON INITIAL IMPRESSIONS (cont'd)

OFFICER ACTION: OTHER

Shoot

		City				
Count :		Oakland,	Birning-	Miami,FL	Newark,	Row
Row % :		CA	ham,AL		NJ	Total
Col % :		1.:	2.:	3.:	4.:	
<u>Other</u>						
No	0.	34	48	40	35	157
		21.7	30.6	25.5	22.3	70.1
		65.4	75.0	58.0	89.7	
Yes	1.	18	16	29	4	67
		26.9	23.9	43.3	6.0	29.9
		34.6	25.0	42.0	10.3	
Column		52	64	69	39	224
Total		23.2	28.6	30.8	17.4	100.0

Non-Shoot

		City				
Count :		Oakland,	Birning-	Miami,FL	Newark,	Row
Row % :		CA	ham,AL		NJ	Total
Col % :		1.:	2.:	3.:	4.:	
<u>Other</u>						
No	0.	17	20	15	15	67
		25.4	29.9	22.4	22.4	75.3
		70.8	80.0	71.4	78.9	
Yes	1.	7	5	6	4	22
		31.8	22.7	27.3	18.2	24.7
		29.2	20.0	28.6	21.1	
Column		24	25	21	19	89
Total		27.0	28.1	23.6	21.3	100.0

reported by 40.7 percent of the shooters and 53.4 percent of the non-shooters. Contradictory information was reported rarely (3.5 percent of shooters and 4.4 percent of non-shooters).

[INSERT TABLE 78 HERE]

Did the officer have a plan for dealing with his opponent at this entry point? Table 79 provides answers to that question, and Table 80 shows the type of plan where relevant. No plan was reported by 54.5 percent of the shooters and 64.8 percent of the non-shooters. And the plan adopted by those who reported one was overwhelmingly "follow routine procedures" (81.9 percent of shooters and 96.6 percent of non-shooters).

[INSERT TABLE 79 AND 80 HERE]

Communication with the opponent is summarized in Tables 81, 82 and 83. As expected (see Table 81) initial communication is primarily a directive to "freeze," to stop the activity in progress, and/or to drop weapon (71.9 percent of shooters and 63.5 percent of non-shooters). Generally (see Table 82) the communication lasted under two minutes (82.1 percent of shooters and 81.4 percent of non-shooters). Contrary to expectation, there is little difference in overall pattern between shooters and non-shooters. And in about one-half the cases, the communication had no emotional impact on the opponent (see Table 83)--48.1 percent of the shooters and 50.0 percent of the non-shooters reported no emotional change. But it is perhaps significant that more shooters than non-shooters reported the opponent becoming angrier (42.6 percent vs. 27.6 percent), and fewer shooters than non-shooters reported the opponent becoming calmer (5.4 percent vs. 19.7 percent).

[INSERT TABLES 81, 82, and 83 HERE]

Action taken by the subject just prior to the decision to use or not to use deadly force is summarized in Table 84. Surprisingly, fewer opponents

Table 78. OBSERVATIONS AT SCENE CONTRADICT OR SUPPORT EARLIER INFORMATION

Shoot

Observations	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
Contradicted Information	1.	1	4	0	1	6
		16.7	66.7	0.0	16.7	3.5
		2.4	6.6	0.0	3.7	
Modified Information	2.	4	4	2	15	25
		16.0	16.0	8.0	60.0	14.5
		9.5	6.6	4.7	55.6	
Partially Modified Information	3.	1	1	2	0	4
		25.0	25.0	50.0	0.0	2.3
		2.4	1.6	4.7	0.0	
Generally Supported Information	4.	11	24	13	4	52
		21.2	46.2	25.0	7.7	30.1
		26.2	39.3	30.2	14.8	
Completely Supported Information	5.	25	28	26	7	86
		29.1	32.6	30.2	8.1	49.7
		59.5	45.9	60.5	25.9	
Column Total		42	61	43	27	173
		24.3	35.3	24.9	15.6	100.0

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Table 78. OBSERVATIONS AT SCENE CONTRADICT OR SUPPORT EARLIER INFORMATION (cont'd)

Non-Shoot

Observations	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	Row %	1.	2.	3.	4.	
	Col %					
Contradicted Information	1.	0	1	0	2	3
		0.0	33.3	0.0	66.7	4.4
		0.0	4.8	0.0	13.3	
Modified Information	2.	2	0	2	5	9
		22.2	0.0	22.2	55.6	13.2
		9.5	0.0	18.2	33.3	
Partially Modified Information	3.	2	1	0	0	3
		66.7	33.3	0.0	0.0	4.4
		9.5	4.8	0.0	0.0	
Generally Supported Information	4.	1	11	5	4	21
		4.8	52.4	23.8	19.0	30.9
		4.8	52.4	45.5	26.7	
Completely Supported Information	5.	16	8	4	4	32
		50.0	25.0	12.5	12.5	47.1
		76.2	38.1	36.4	26.7	
Column Total		21	21	11	15	68
Row Total		30.9	30.9	16.2	22.1	100.0

Table 79. DID OFFICER WORK AT PLAN TO DEAL WITH OPPONENT

Shoot

Work Out Plan	Count	City				Row Total
		Row %	Oakland, CA	Birming- ham,AL	Miami,FL Newark, NJ	
		Col %	1.	2.	3.	
No Plan	1.	16	35	44	20	115
		13.9	30.4	38.3	17.4	54.5
		31.4	54.7	63.8	74.1	
A Partial Plan	2.	22	22	16	5	65
		33.8	33.8	24.6	7.7	30.8
		43.1	34.4	23.2	18.5	
Comprehensive Plan	3.	13	7	9	2	31
		41.9	22.6	29.0	6.5	14.7
		25.5	10.9	13.0	7.4	
Column Total		51	64	69	27	211
		24.2	30.3	32.7	12.8	100.0

Non-Shoot

Work Out Plan	Count	City				Row Total
		Row %	Oakland, CA	Birming- ham,AL	Miami,FL Newark, NJ	
		Col %	1.	2.	3.	
No Plan	1.	12	22	8	15	57
		21.1	38.6	14.0	26.3	64.8
		50.0	88.0	38.1	83.3	
A Partial Plan	2.	11	3	12	2	28
		39.3	10.7	42.9	7.1	31.8
		45.8	12.0	57.1	11.1	
Comprehensive Plan	3.	1	0	1	1	3
		33.3	0.0	33.3	33.3	3.4
		4.2	0.0	4.8	5.6	
Column Total		24	25	21	18	88
		27.3	28.4	23.9	20.5	100.0

Table 80. TYPE OF TACTICAL PLAN

Shoot

Type of Plan	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
Formally Discussed Plan	1.	4	3	1	0	8
		50.0	37.5	12.5	0.0	8.5
		11.4	10.3	4.2	0.0	
Follow Routine Procedures	2.	28	26	21	2	77
		36.4	33.8	27.3	2.6	81.9
		80.0	89.7	87.5	33.3	
Using Officer's Experience	3.	3	0	1	4	8
		37.5	0.0	12.5	50.0	8.5
		8.6	0.0	4.2	66.7	
Other	4.	0	0	1	0	1
		0.0	0.0	100.0	0.0	1.1
		0.0	0.0	4.2	0.0	
Column Total		35	29	24	6	94
		37.2	30.9	25.5	6.4	100.0

Non-Shoot

Type of Plan	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
Follow Routine Procedures	2.	11	3	13	1	28
		39.3	10.7	46.4	3.6	96.6
		91.7	100.0	100.0	100.0	
Using Officer's Experience	3.	1	0	0	0	1
		100.0	0.0	0.0	0.0	3.4
		8.3	0.0	0.0	0.0	
Column Total		12	3	13	1	29
		41.4	10.3	44.8	3.4	100.0

Table 81. FIRST COMMUNICATION OFFICER HAD WITH OPPONENT

Shoot

Communication	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
		1.	2.	3.	4.	
Establish Contact	1.	4	5	3	1	13
		30.8	38.5	23.1	7.7	7.0
		9.5	8.8	5.4	3.3	
Ordered to Freeze, Stop, or Drop Weapon	3.	32	39	44	18	133
		24.1	29.3	33.1	13.5	71.9
		76.2	68.4	78.6	60.0	
Ordered Other Than Above	4.	2	4	3	3	12
		16.7	33.3	25.0	25.0	6.5
		4.8	7.0	5.4	10.0	
Attempted To Deal With Conflict	5.	4	9	6	8	27
		14.8	33.3	22.2	29.6	14.6
		9.5	15.8	10.7	26.7	
Column Total		42	57	56	30	185
		22.7	30.8	30.3	16.2	100.0

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Table 81. FIRST COMMUNICATION OFFICER HAD WITH OPPONENT (cont'd)

Non-Shoot

Communication	Count	City				Row Total	
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ		
	Row %	Col %	1.	2.	3.	4.	
Established Contact	1.		3	4	4	1	12
			25.0	33.3	33.3	8.3	14.1
			14.3	16.0	19.0	5.6	
Attempted to Distract	2.		0	0	1	2	3
			0.0	0.0	33.3	66.7	3.5
			0.0	0.0	4.8	11.1	
Ordered to Freeze, Stop, or Drop Weapon	3.		15	16	14	9	54
			27.8	29.6	25.9	16.7	63.5
			71.4	64.0	66.7	50.0	
Ordered Other Than Above	4.		2	2	1	1	6
			33.3	33.3	16.7	16.7	7.1
			9.5	8.0	4.8	5.6	
Attempted To Deal With Conflict	5.		1	3	1	5	10
			10.0	30.0	10.0	50.0	11.8
			4.8	12.0	4.8	27.8	
Column Total			21	25	21	18	85
			24.7	29.4	24.7	21.2	100.0

Table 82. DURATION OF COMMUNICATION

Shoot

Duration of Communication	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
	0.	1.	2.	3.	4.	
Less than 1 min.	0	0	0	0	1	1
	0.0	0.0	0.0	0.0	100.0	0.5
	0.0	0.0	0.0	0.0	3.7	
5 seconds or less	13	25	21	3	62	31.6
	21.0	40.3	33.9	4.8		
	28.3	41.7	33.3	11.1		
6-30 seconds	12	16	19	7	54	27.6
	22.2	29.6	35.2	13.0		
	26.1	26.7	30.2	25.9		
31 seconds to 2 minutes	14	15	9	6	44	22.4
	31.8	34.1	20.5	13.6		
	30.4	25.0	14.3	22.2		
2-5 minutes	4	2	12	4	22	11.2
	18.2	9.1	54.5	18.2		
	8.7	3.3	19.0	14.8		
5-15 minutes	3	1	2	5	11	5.6
	27.3	9.1	18.2	45.5		
	6.5	1.7	3.2	18.5		
16 minutes to 1 hour	0	1	0	1	2	1.0
	0.0	50.0	0.0	50.0		
	0.0	1.7	0.0	3.7		
Column Total	46	60	63	27	196	100.0
	23.5	30.6	32.1	13.8		

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Table 82. DURATION OF COMMUNICATION (cont'd)

Non-Shoot

Duration of Communication	Count	City				Row Total
		Oakland,	Birming-	Miami,FL	Newark,	
		CA	ham,AL	NJ		
	1.	2.	3.	4.		
5 seconds or less	1.	8	6	9	0	23
		34.8	26.1	39.1	0.0	28.8
		36.4	24.0	42.9	0.0	
6-30 seconds	2.	7	8	6	4	25
		28.0	32.0	24.0	16.0	31.3
		31.8	32.0	28.6	33.3	
31 seconds to 2 minutes	3.	3	7	3	4	17
		17.6	41.2	17.6	23.5	21.3
		13.6	28.0	14.3	33.3	
2-5 minutes	4.	3	4	3	2	12
		25.0	33.3	25.0	16.7	15.0
		13.6	16.0	14.3	16.7	
5-15 minutes	5.	1	0	0	1	2
		50.0	0.0	0.0	50.0	2.5
		4.5	0.0	0.0	8.3	
16 minutes to 1 hour	6.	0	0	0	1	1
		0.0	0.0	0.0	100.0	1.3
		0.0	0.0	0.0	8.3	
Column Total		22	25	21	12	80
		27.5	31.3	26.3	15.0	100.0

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Table 83. EMOTIONAL IMPACT OF COMMUNICATION ON OPPONENT

Shoot

Emotional Impact	Count	City				Row Total
		Row % Col % :CA	Oakland, 1.:	Birming- ham,AL	Miami,FL	
Became Much Angrier	1.	11	7	12	5	35
		31.4	20.0	34.3	14.3	19.1
		24.4	13.2	22.2	16.1	
Became More Angry	2.	7	11	12	13	43
		16.3	25.6	27.9	30.2	23.5
		15.6	20.8	22.2	41.9	
Emotional State Unchanged	3.	27	29	29	3	88
		30.7	33.0	33.0	3.4	48.1
		60.0	54.7	53.7	9.7	
Became Calmer	4.	0	2	0	5	7
		0.0	28.6	0.0	71.4	3.8
		0.0	3.8	0.0	16.1	
Became Much Calmer	5.	0	1	1	1	3
		0.0	33.3	33.3	33.3	1.6
		0.0	1.9	1.9	3.2	
Other	6.	0	3	0	4	7
		0.0	42.9	0.0	57.1	3.8
		0.0	5.7	0.0	12.9	
Column Total		45	53	54	31	183
		24.6	29.0	29.5	16.9	100.0

(Continued on next page)

Table 83. EMOTIONAL IMPACT OF COMMUNICATION ON OPPONENT (cont'd)

Non-Shoot

<u>Emotional Impact</u>	Count	<u>City</u>				Row Total	
		Row %	Oakland, CA	Birmingham, AL	Miami, FL		Newark, NJ
		Col %	1.	2.	3.		4.
Became Much Angrier	1.	2	0	2	3	7	
		28.6	0.0	28.6	42.9	9.2	
		10.0	0.0	9.5	20.0		
Became More Angry	2.	3	6	2	3	14	
		21.4	42.9	14.3	21.4	18.4	
		15.0	30.0	9.5	20.0		
Emotional State Unchanged	3.	11	10	14	3	38	
		28.9	26.3	36.8	7.9	50.0	
		55.0	50.0	66.7	20.0		
Became Calmer	4.	0	4	2	6	12	
		0.0	33.3	16.7	50.0	15.8	
		0.0	20.0	9.5	40.0		
Became Much Calmer	5.	2	0	1	0	3	
		66.7	0.0	33.3	0.0	3.9	
		10.0	0.0	4.8	0.0		
Other	6.	2	0	0	0	2	
		100.0	0.0	0.0	0.0	2.6	
		10.0	0.0	0.0	0.0		
Column Total		20	20	21	15	76	
		26.3	26.3	27.6	19.7	100.0	

ran away in non-shoot cases than in shoot cases (21.3 percent vs. 40.1 percent). Newark stands out at the low end (24.3 percent) and Miami at the high end (53.6 percent) for fleeing opponents in shooting cases. Very few opponents attacked with bare hands (8.6 percent for shooters and 2.2 percent for non-shooters), fewer with a sharp object (3.2 percent and 2.2 percent, respectively) and still fewer with a blunt object (2.7 percent and 0.0 percent, respectively). More non-shooters reported that opponents held firearms than did shooters (34.8 percent vs. 24.3 percent), but, not surprisingly, far more shooters reported that the opponent fired a firearm (21.6 percent vs. 11.2 percent).

[INSERT TABLE 84 HERE]

Tables 85 and 86 contain information on shooting by other officers in the incident. In just over one-fourth of the shooting cases (26.7 percent), another officer or several officers shot before the officer in question (Table 85). The comparable figure for non-shooters is 15.9 percent. The number of other officers who fired is primarily one (75.0 percent for shooters and 53.8 percent for non-shooters), but they ranged up to six for shooters and up to 12 for non-shooters (although it should be pointed out that the latter was for one case in Newark (see Table 86).

[INSERT TABLES 85 and 86 HERE]

Discriminant Analysis

It is the aim of discriminant analysis to distinguish between two (or more) groups of individuals. In our case, of course, the groups are shooters and non-shooters.

A discriminant function is of the form: $y = b_1z_1 + b_2z_2 + b_3z_3 + \dots + b_nz_n$, where the b's are weights obtained to maximize differences (on Y)

Table 84. TYPES OF ACTIONS TAKEN BY OPPONENT

OPPONENT ACTION: RAN AWAY

Shoot

		<u>City</u>				
Count :		Oakland,	Birming-	Miami,FL	Newark,	Row
Row % :		CA	ham,AL		NJ	Total
Col % :		1.:	2.:	3.:	4.:	
<u>Ran Away</u>						
No	0.	31	42	32	28	133
		23.3	31.6	24.1	21.1	59.9
		59.6	65.6	46.4	75.7	
Yes	1.	21	22	37	9	89
		23.6	24.7	41.6	10.1	40.1
		40.4	34.4	53.6	24.3	
Column		52	64	69	37	222
Total		23.4	28.8	31.1	16.7	100.0

Non-Shoot

		<u>City</u>				
Count :		Oakland,	Birming-	Miami,FL	Newark,	Row
Row % :		CA	ham,AL		NJ	Total
Col % :		1.:	2.:	3.:	4.:	
<u>Ran Away</u>						
No	0.	22	20	12	16	70
		31.4	28.6	17.1	22.9	78.7
		91.7	80.0	57.1	84.2	
Yes	1.	2	5	9	3	19
		10.5	26.3	47.4	15.8	21.3
		8.3	20.0	42.9	15.8	
Column		24	25	21	19	89
Total		27.0	28.1	23.6	21.3	100.0

(Continued on next page)

Table 84. TYPES OF ACTIONS TAKEN BY OPPONENT (cont'd)

OPPONENT ACTION: ATTACKED WITH BARE HANDS

Shoot

	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
Attacked	Row %	1.	2.	3.	4.	
With Bare Hands	Col %					
No	0.	48	57	68	30	203
		23.6	28.1	33.5	14.8	91.4
		92.3	89.1	98.6	81.1	
Yes	1.	4	7	1	7	19
		21.1	36.8	5.3	36.8	8.6
		7.7	10.9	1.4	18.9	
Column Total		52	64	69	37	222
		23.4	28.8	31.1	16.7	100.0

Non-Shoot

	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
Attacked	Row %	1.	2.	3.	4.	
With Bare Hands	Col %					
No	0.	23	25	21	18	87
		26.4	28.7	24.1	20.7	97.8
		95.8	100.0	100.0	94.7	
Yes	1.	1	0	0	1	2
		50.0	0.0	0.0	50.0	2.2
		4.2	0.0	0.0	5.3	
Column Total		24	25	21	19	89
		27.0	28.1	23.6	21.3	100.0

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Table 84. TYPES OF ACTIONS TAKEN BY OPPONENT (cont'd)

OPPONENT ACTION: ATTACKED WITH BLUNT OBJECT

Shoot

		City				
Count						
Row %		Oakland,	Birming-	Miami,FL	Newark,	Row
Col %		CA	ham,AL		NJ	Total
Attacked		1.:	2.:	3.:	4.:	
With Blunt Object		-----				
No	0.	51	63	68	34	216
		23.6	29.2	31.5	15.7	97.3
		98.1	98.4	98.6	91.9	
Yes	1.	1	1	1	3	6
		16.7	16.7	16.7	50.0	2.7
		1.9	1.6	1.4	8.1	
Column		52	64	69	37	222
Total		23.4	28.8	31.1	16.7	100.0

Non-Shoot

		City				
Count						
Row %		Oakland,	Birming-	Miami,FL	Newark,	Row
Col %		CA	ham,AL		NJ	Total
Attacked		1.:	2.:	3.:	4.:	
With Blunt Object		-----				
No	0.	24	25	21	19	89
		27.0	28.1	23.6	21.3	100.0
		100.0	100.0	100.0	100.0	
Column		24	25	21	19	89
Total		27.0	28.1	23.6	21.3	100.0

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Table 84. TYPES OF ACTIONS TAKEN BY OPPONENT (cont'd)

OPPONENT ACTION: ATTACKED WITH SHARP OBJECT

Shoot

	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
Attacked With Sharp Object	0.	1.	2.	3.	4.	
No	50	62	67	36	215	
	23.3	28.8	31.2	16.7	96.8	
	96.2	96.9	97.1	97.3		
Yes	2	2	2	1	7	
	28.6	28.6	28.6	14.3	3.2	
	3.8	3.1	2.9	2.7		
Column Total	52	64	69	37	222	
	23.4	28.8	31.1	16.7	100.0	

Non-Shoot

	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
Attacked With Sharp Object	0.	1.	2.	3.	4.	
No	23	25	21	18	87	
	26.4	28.7	24.1	20.7	97.8	
	95.8	100.0	100.0	94.7		
Yes	1	0	0	1	2	
	50.0	0.0	0.0	50.0	2.2	
	4.2	0.0	0.0	5.3		
Column Total	24	25	21	19	89	
	27.0	28.1	23.6	21.3	100.0	

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Table 84. TYPES OF ACTIONS TAKEN BY OPPONENT (cont'd)

OPPONENT ACTION: HELD FIREARM

Shoot

	Count	<u>City</u>				Row Total
		Oakland, CA	Birming- ham,AL	Miami,FL	Newark, NJ	
<u>Held Firearm</u>		1.:	2.:	3.:	4.:	
0.	35	43	58	32	168	
No	20.8	25.6	34.5	19.0	75.7	
	67.3	67.2	84.1	86.5		
1.	17	21	11	5	54	
Yes	31.5	38.9	20.4	9.3	24.3	
	32.7	32.8	15.9	13.5		
Column Total	52	64	69	37	222	
	23.4	28.8	31.1	16.7	100.0	

Non-Shoot

	Count	<u>City</u>				Row Total
		Oakland, CA	Birming- ham,AL	Miami,FL	Newark, NJ	
<u>Held Firearm</u>		1.:	2.:	3.:	4.:	
0.	16	16	14	12	58	
No	27.6	27.6	24.1	20.7	65.2	
	66.7	64.0	66.7	63.2		
1.	8	9	7	7	31	
Yes	25.8	29.0	22.6	22.6	34.8	
	33.3	36.0	33.3	36.8		
Column Total	24	25	21	19	89	
	27.0	28.1	23.6	21.3	100.0	

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Table 84. TYPES OF ACTIONS TAKEN BY OPPONENT (cont'd)

OPPONENT ACTION: POINTED FIREARM

Shoot

<u>Pointed Firearm</u>	Count	<u>City</u>				Row Total	
		Row %	Oakland, CA	Birming- ham,AL	Miami,FL		Newark, NJ
		Col %	1.:	2.:	3.:		4.:
No	0.	29	35	56	23	143	
		20.3	24.5	39.2	16.1	64.4	
		55.8	54.7	81.2	62.2		
Yes	1.	23	29	13	14	79	
		29.1	36.7	16.5	17.7	35.6	
		44.2	45.3	18.8	37.8		
	Column Total	52	64	69	37	222	
		23.4	28.8	31.1	16.7	100.0	

Non-Shoot

<u>Pointed Firearm</u>	Count	<u>City</u>				Row Total	
		Row %	Oakland, CA	Birming- ham,AL	Miami,FL		Newark, NJ
		Col %	1.:	2.:	3.:		4.:
No	0.	14	17	15	14	60	
		23.3	28.3	25.0	23.3	67.4	
		58.3	68.0	71.4	73.7		
Yes	1.	10	8	6	5	29	
		34.5	27.6	20.7	17.2	32.6	
		41.7	32.0	28.6	26.3		
	Column Total	24	25	21	19	89	
		27.0	28.1	23.6	21.3	100.0	

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Table 84. TYPES OF ACTIONS TAKEN BY OPPONENT (cont'd)

OPPONENT ACTION: FIRED FIREARM

Shoot

	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
<u>Fired Firearm</u>		1.	2.	3.	4.	
No	0.	40	45	61	28	174
		23.0	25.9	35.1	16.1	78.4
		76.9	70.3	88.4	75.7	
Yes	1.	12	19	8	9	48
		25.0	39.6	16.7	18.8	21.6
		23.1	29.7	11.6	24.3	
Column Total		52	64	69	37	222
		23.4	28.8	31.1	16.7	100.0

Non-Shoot

	Count	City				Row Total
		Oakland, CA	Birmingham, AL	Miami, FL	Newark, NJ	
<u>Fired Firearm</u>		1.	2.	3.	4.	
No	0.	21	24	16	18	79
		26.6	30.4	20.3	22.8	88.8
		87.5	96.0	76.2	94.7	
Yes	1.	3	1	5	1	10
		30.0	10.0	50.0	10.0	11.2
		12.5	4.0	23.8	5.3	
Column Total		24	25	21	19	89
		27.0	28.1	23.6	21.3	100.0

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Table 84. TYPES OF ACTIONS TAKEN BY OPPONENT (cont'd)

OPPONENT ACTION: OTHER

Shoot

	Count	<u>City</u>				Row Total
		Oakland, CA	Birming- ham,AL	Miami,FL	Newark, NJ	
		1.	2.	3.	4.	
<u>Other</u>						
No	0.	40 23.3 76.9	54 31.4 84.4	44 25.6 63.8	34 19.8 91.9	172 77.5
Yes	1.	12 24.0 23.1	10 20.0 15.6	25 50.0 36.2	3 6.0 8.1	50 22.5
Column Total		52 23.4	64 28.8	69 31.1	37 16.7	222 100.0

Non-Shoot

	Count	<u>City</u>				Row Total
		Oakland, CA	Birming- ham,AL	Miami,FL	Newark, NJ	
		1.	2.	3.	4.	
<u>Other</u>						
No	0.	14 23.3 58.3	16 26.7 64.0	17 28.3 81.0	13 21.7 68.4	60 67.4
Yes	1.	10 34.5 41.7	9 31.0 36.0	4 13.8 19.0	6 20.7 31.6	29 32.6
Column Total		24 27.0	25 28.1	21 23.6	19 21.3	89 100.0

Table 85. DID OTHER OFFICERS FIRE BEFORE OFFICER FIRED

Shoot

		City				
Count :		Oakland,	Birming-	Miami,FL	Newark,	Row
Row % :		CA	ham,AL	NJ		Total
Col % :		1.:	2.:	3.:	4.:	
<u>Other Officers Fire</u>		-----				
Yes	1.	13	16	19	8	56
		23.2	28.6	33.9	14.3	26.7
		25.5	25.8	27.9	27.6	
No	2.	38	46	49	21	154
		24.7	29.9	31.8	13.6	73.3
		74.5	74.2	72.1	72.4	
Column Total		51	62	68	29	210
		24.3	29.5	32.4	13.8	100.0

Non-Shoot

		City				
Count :		Oakland,	Birming-	Miami,FL	Newark,	Row
Row % :		CA	ham,AL	NJ		Total
Col % :		1.:	2.:	3.:	4.:	
<u>Other Officers Fire</u>		-----				
Yes	1.	2	8	4	0	14
		14.3	57.1	28.6	0.0	15.9
		8.3	32.0	19.0	0.0	
No	2.	22	17	17	18	74
		29.7	23.0	23.0	24.3	84.1
		91.7	68.0	81.0	100.0	
Column Total		24	25	21	18	88
		27.3	28.4	23.9	20.5	100.0

Table 86. NUMBER OF OFFICERS WHO FIRED

Shoot

<u>Number of Officers</u>	City				Row Total	
	Count :	Oakland,	Birming-	Miami,FL		Newark,
	Col % :	CA	ham,AL			NJ
	1.:	2.:	3.:	4.:		
1.	11	13	13	2	39	
	28.2	33.3	33.3	5.1	75.0	
	91.7	81.3	72.2	33.3		
2.	1	2	3	1	7	
	14.3	28.6	42.9	14.3	13.5	
	8.3	12.5	16.7	16.7		
3.	0	0	0	3	3	
	0.0	0.0	0.0	100.0	5.8	
	0.0	0.0	0.0	50.0		
5.	0	0	1	0	1	
	0.0	0.0	100.0	0.0	1.9	
	0.0	0.0	5.6	0.0		
6.	0	1	1	0	2	
	0.0	50.0	50.0	0.0	3.8	
	0.0	6.3	5.6	0.0		
Column Total	12	16	18	6	52	
	23.1	30.8	34.6	11.5	100.0	

Table 86. NUMBER OF OFFICERS WHO FIRED (continued)

Non-Shoot

<u>Number of Officers</u>	<u>City</u>			Row Total
	Count	Row %	Col %	
	Oakland, CA	Birming- ham,AL	Miami,FL	
	1.	2.	3.	
1.	0	6	1	7
	0.0	85.7	14.3	53.8
	0.0	85.7	25.0	
2.	1	1	2	4
	25.0	25.0	50.0	30.8
	50.0	14.3	50.0	
4.	1	0	0	1
	100.0	0.0	0.0	7.7
	50.0	0.0	0.0	
12.	0	0	1	1
	0.0	0.0	100.0	7.7
	0.0	0.0	25.0	
Column Total	2	7	4	13
	15.4	53.8	30.8	100.0

between officers who did and did not use deadly force. The z's are discriminating variables on which shooters and non-shooters may differ.

In classical analysis with the linear discriminant function, the b's are those weights that maximize the following ratio:

$$\frac{\text{variance between } Y \text{ means}}{\text{variance within groups on } Y}$$

Discriminant analysis aims at forming one or more linear combinations of selected discriminating variables. These functions are formed so as to maximize separation of the groups. The maximum number of functions is one less than the number of groups (with a rare class of exceptions), so in our case the procedure leads to one function.

The resulting function is useful for both interpretation of data and classification. In interpretation, the b's are equivalent to the coefficients in multiple regression. Classification implies the categorization of new cases with unknown membership (in the shooter and non-shooter categories).

We used the stepwise procedure of Wilks, in the discriminant analysis, to derive an optimum set of discriminating variables in each case of discrimination. The procedure begins by selecting the single best discriminating variable from the set of all variables. The criterion of success is minimization of Wilks' lambda, a measure of group discrimination--a criterion equivalent to maximizing the multivariate F ratio for the test of differences in group centroids.

A second discriminating variable is then selected as the variable best able to improve the value of the criterion of discrimination in combination with the first variable. The third and later variables are similarly selected to improve discrimination. At each step, moreover, variables previously selected are removed if they are found to reduce discrimination in combination

with more recently selected variables. The procedure stops when all discriminating variables have been selected and the remaining variables do not contribute to further discrimination.

The full set of discriminating variables used in the linear discriminant function and at the start of the discriminant analysis is as follows:

1. Height (in inches).
2. Weight (in pounds).
3. Education (assigning values of "years of education").
4. Children (0-no, 1-yes).
5. Work evaluation (1-low, 2-average, 3-high).
6. Prior shootings (number in last five years).
7. Race (dichotomized white/non-white).
8. Age (actual).
9. Sex (0-male, 1-female).
10. Commendations (number of departmental).
11. Discipline (number of findings).
12. Complaints (number).

We turn first to the results using the classical discriminant function. Table 87 contains the b's obtained by the analysis. Perhaps what stands out most clearly in the table is the variability of both optimum predictors and predictive accuracy from city to city. Prior shootings is the most important variable in Birmingham, complaints in Miami and Newark, and work evaluation in Oakland. And predictive accuracy ranges from a low of 68.2 percent correct classifications in Miami to a high of 91.9 percent correct classifications in Birmingham.

[INSERT TABLE 87 HERE]

TABLE 87. DISCRIMINANT FUNCTION COEFFICIENTS

	<u>Oakland</u>	<u>Miami</u>	<u>Birmingham</u>	<u>Three Cities</u>	<u>Newark</u>
AGE	.29	.33	.32	.36	-.10
RACE	-.15	.21	.33	.14	.35
SEX	.00	.09	.02	.02	n.a.
HEIGHT	-.24	.10	.38	-.08	-.16
WEIGHT	.15	.13	.08	.28	.12
EDUCATION	.44	.24	-.04	.33	n.a.
MARRIED	.45	-.45	.28	.13	n.a.
CHILDREN	.18	.10	-.42	-.21	n.a.
WORK EVALUATION	<u>-.73</u>	.06	.13	-.14	n.a.
COMMENDATIONS	-.36	-.05	-.09	.17	.55
DISCIPLINE	-.51	-.24	.48	-.22	-.03
COMPLAINTS	.65	<u>.75</u>	-.23	.51	<u>-.59</u>
PRIOR SHOOTINGS	-.14	-.48	<u>-.88</u>	<u>-.84</u>	-.43
<u>CENTROIDS</u>					
SHOOTER	-.43	-.33	-.73	-.29	-.26
NON-SHOOTER	1.01	1.02	2.09	.81	1.42
PERCENT CORRECT CLASSIFICATION	76.6%	68.2%	91.9%	72.6%	82.4%
CANONICAL CORRELATION	.56	.51	.78	.44	.52

The data from Newark could not be combined with the data from the other cities because of the large array of missing information from Newark.

The coefficients in the functions derived in discriminant analyses are shown in Table 88. The accuracy of classification is shown in Table 89.

[INSERT TABLES 88 AND 89 HERE]

The pattern of results, after selecting an optimum group of predictors, for each discrimination is generally similar to that obtained in the classical style. Again, prior shootings is the most important variable in Birmingham, complaints in Miami and Newark, and work evaluation in Oakland. Correct classification (hits) ranges from 58.4 percent in Miami to 90.6 percent in Birmingham, only slightly lower overall than in the linear analysis that keeps all variables.

Over the entire Table 88, "prior shootings" stands out prominently for its predictive power--those who shot before are most likely to shoot again. "Complaints" holds up as a significant discriminating variable over the cities, but is predictive of non-shooters in Oakland and Miami, and of shooters in Birmingham and Newark. Race and age are discriminating variables in two cities each, with non-shooters being more likely to be non-white and older.

Contingency Analysis

To obtain a complete picture, shooters and non-shooters were compared on all possible differentiating variables, except for opponent characteristics where cell entries were generally too small for tests. The statistical test was chi-square, and the measure of association Kendall's tau. The results of these comparisons are summarized in Table 90. The level of significance for each chi-square is entered in the table if the level is equal or less than .05, otherwise n.s. is entered.

[INSERT TABLE 90 HERE]

TABLE 88. DISCRIMINANT FUNCTION COEFFICIENTS (STEPWISE PROCEDURE)

	<u>Oakland</u>	<u>Miami</u>	<u>Birmingham</u>	<u>Three Cities</u>	<u>Newark</u>
HEIGHT			.41		
WEIGHT				.24	
EDUCATION				.37	*
MARRIED		-.43	.28		*
CHILDREN			-.34		*
WORK EVALUATION	-.92				*
PRIOR SHOOTINGS		-.51	-.90	-.85	-.41
RACE			.39		.36
AGE	.49		.35	.25	
SEX					*
COMMENDATIONS	-.38				.60
DISCIPLINE	-.76		.47		
COMPLAINTS	.77	.76	-.24	.51	-.59
<u>CENTROIDS</u>					
SHOOTER	-.37	-.29	-.72	-.27	-.25
NON-SHOOTER	.88	.92	2.06	.75	1.39

Note: * variables had to be excluded from stepwise analysis because of excessive missing data.

TABLE 89. ACCURACY OF CLASSIFICATION

<u>City</u>	<u>Group Prediction</u>	<u>Predicted Group Membership (%)</u>			
		<u>Shooter (0)</u>	<u>Non-Shooter (1)</u>	<u>Overall Hits</u>	<u>Misses</u>
OAKLAND	Shooter (0)	70.5	29.5	74.1	25.9
	Non-Shooter (1)	14.3	85.7		
MIAMI	Shooter (0)	57.5	42.5	58.4	41.6
	Non-Shooter (1)	37.5	62.5		
BIRMINGHAM	Shooter (0)	89.6	10.4	90.6	9.4
	Non-Shooter (1)	6.2	93.7		
THREE CITIES	Shooter (0)	55.9	44.1	60.2	39.8
	Non-Shooter (1)	20.8	79.2		
NEWARK	Shooter (0)	77.5	22.5	77.0	23.0
	Non-Shooter (1)	25.0	75.0		

TABLE 90. SHOOTER/NON-SHOOTER CONTINGENCY COMPARISONS

	OAK	BIRM	MIAMI	NEW	ALL
=====					
INCIDENT AND EARLY ACTIONS					
Circumstances requiring attention	n.s.	n.s.	.05	n.s.	.02
Aware possible use of deadly force	n.s.	n.s.	n.s.	n.s.	n.s.
Make plans prior to arrival	n.s.	n.s.	n.s.	n.s.	n.s.
If yes, what plans?	n.s.	n.s.	n.s.	n.s.	n.s.
Observations support or contradict earlier info.	n.s.	n.s.	n.s.	n.s.	n.s.
Officer action--maintain vigilance	n.s.	n.s.	.05	n.s.	n.s.
Officer action--apprehend suspect	n.s.	n.s.	n.s.	n.s.	n.s.
Officer action--engage in conversation	n.s.	n.s.	n.s.	n.s.	n.s.
Officer action--unholster weapon	n.s.	n.s.	n.s.	n.s.	n.s.
Officer action--point weapon	n.s.	n.s.	n.s.	n.s.	n.s.
Officer action--take cover	n.s.	n.s.	n.s.	n.s.	n.s.
Officer action--call assistance	n.s.	n.s.	n.s.	n.s.	n.s.
Officer action--other	n.s.	n.s.	n.s.	n.s.	n.s.
Work out plan to deal with subject	n.s.	.01	.01	--	.02
First thing said to subject	n.s.	n.s.	n.s.	n.s.	.03
Duration of communication	n.s.	n.s.	n.s.	n.s.	n.s.
Emotional impact of communication on subject (angry ---> calm)	.03	n.s.	n.s.	n.s.	.01
Given proper guidance	--	n.s.	n.s.	--	.02
Given proper assistance	--	n.s.	n.s.	n.s.	n.s.
Is the policy adequate	n.s.	n.s.	n.s.	.02	n.s.
How well trained to cope with incident (well trained ---> poorly trained)	n.s.	n.s.	n.s.	n.s.	n.s.

TABLE 90. SHOOTER/NON-SHOOTER CONTINGENCY COMPARISONS (continued)

	OAK	BIRM	MIAMI	NEW	ALL
=====					
OFFICER CHARACTERISTICS					
Rank	n.s.	.01	n.s.	n.s.	.02
Unit Assignment	n.s.	.01	n.s.	n.s.	n.s.
Activity	--	n.s.	n.s.	.03	.003
Sex	n.s.	n.s.	n.s.	--	n.s.
Race	n.s.	n.s.	.04	n.s.	n.s.
Age	n.s.	n.s.	n.s.	.04	n.s.
Weight	n.s.	.0004	n.s.	.03	n.s.
Height	n.s.	n.s.	n.s.	.03	n.s.
Father's Occupation	n.s.	n.s.	n.s.	--	n.s.
Education	.03	.03	n.s.	--	.005
12 Years as a Police Officer	n.s.	n.s.	.03	n.s.	.02
+5 Days lost due to extended illness w	n.s.	.02	n.s.	.003	.02
+4 Days lost due to disability	n.s.	n.s.	n.s.	n.s.	n.s.
+5 Days lost due to mental health problems	n.s.	--	--	--	.02
20 Shooting incidents--last five years	n.s.	n.s.	.0000	.0002	.01
Number subject fatalities--last five years	n.s.	n.s.	n.s.	n.s.	n.s.
Level of Marksmanship	n.s.	n.s.	.04	.02	.01
Lost authority to carry weapon	--	n.s.	n.s.	n.s.	n.s.
Officer involved in more shooting	n.s.	n.s.	n.s.	n.s.	n.s.
Any fatal shootings	--	n.s.	--	n.s.	n.s.
Days lost due to extended illness	n.s.	n.s.	n.s.	n.s.	n.s.
Days lost due to disability	n.s.	n.s.	n.s.	n.s.	n.s.
Days lost due to mental health problems	n.s.	--	--	n.s.	n.s.

Critical Incident Analysis

Our findings based on the Critical Incident Survey instruments will be presented in two sections, A and B. Section A will be based on the data from Miami, Oakland, and Birmingham, where identical items were used except for dates and locations (which were adapted to local conditions--see Appendices E, F, and G). Section B will be devoted to the critical incident data from Newark, where a unique instrument was used (see Appendix H).

Section A. Before the critical incident questions were presented, each officer was asked a set of factual questions regarding knowledge of local policy. In Appendix E (Miami), these are items one to five; in Appendix F (Oakland), items one to four; and in Appendix G (Birmingham), items one to five.

Each of the three departments showed general knowledge of the elements of its own policies. Oakland and Miami had averages of 90.8 percent and 86.5 percent correct, respectively, on these questions. Birmingham's officers had an average correct score of 82.3 percent.

Oakland police personnel showed substantial confusion in regard to one reply. Twenty-one and eight-tenths percent of the officers incorrectly felt it was appropriate to use deadly force against all fleeing felons. Of the officers questioned, 50 of them sergeants, 40 percent of those assigned to one patrol watch, 71.4 percent of those assigned to traffic, and 44.4 percent of Hispanic officers provided the largest percentages of support for this incorrect position.

Miami officers showed significant erroneous opinion on two questions. First, 21.8 percent of the personnel believed that it was appropriate to use deadly force against all fleeing felons. Fifty-two and four-tenths percent of the questioned trainees thought it was appropriate to use deadly force

TABLE 90. SHOOTER/NON-SHOOTER CONTINGENCY COMPARISONS (continued)

	OAK	BIRM	MIAMI	NEW	ALL
=====					
SUBJECT CHARACTERISTICS					
Role in incident	.0006	.02	.05	n.s.	.007
Physical status regarding officer	n.s.	.0000	.0001	n.s.	.0000
Armed	n.s.	.0005	.0002	n.s.	.0000
Weapon	n.s.	.01	.0008	n.s.	.0000
Race	n.s.	n.s.	n.s.	n.s.	n.s.
Age	n.s.	n.s.	n.s.	n.s.	n.s.
Weight	n.s.	.04	n.s.	n.s.	n.s.
Height	n.s.	n.s.	n.s.	n.s.	n.s.
Work status	.05	n.s.	.04	n.s.	n.s.
PHYSICAL ENVIRONMENT					
Type of Neighborhood	n.s.	n.s.	n.s.	n.s.	n.s.
Economic level of Neighborhood (high/low)	n.s.	n.s.	.04	n.s.	.004
Where incident took place (inside/outside)	n.s.	n.s.	n.s.	.0008	.02
What type of place--Inside	n.s.	n.s.	n.s.	n.s.	n.s.
What type of place--Outside	n.s.	n.s.	n.s.	n.s.	n.s.
Weather	--	--	--	--	--
Lighting at scene (good/poor)	n.s.	.03	n.s.	--	.02
TEMPORAL FACTORS					
Day of Week (Monday to Sunday)	n.s.	n.s.	n.s.	n.s.	n.s.
Month of Year (January to December)	n.s.	n.s.	n.s.	.02	n.s.

under such circumstances. Second, the greatest difficulty for the questioned Miami officers related to the officers' right to draw weapons. The policy states that they may unholster or draw their firearms in certain circumstances requiring caution for the officer's safety even in the absence of justification for the use of deadly force. Yet, 67.8 percent of all officers said they could draw only when the use of force was justified. Only recruit officers (57.1 percent) and Hispanics (54.5 percent) responded according to policy with majorities.

Miami's answers should be viewed in light of two facts. First, the department was operating under a newly adopted policy at the time of the survey, and second, not all officers had attended the department's training program on the policy.

Birmingham had also recently adopted a new firearms policy at the time of the survey. This might have been a factor in the erroneous opinion found on four questions. Twenty-three and three-tenths percent of the officers, including 25.0 percent of the sergeants, believed it was all right to use deadly force to arrest a misdemeanant. Forty-three and three-tenths of Birmingham's personnel, including 37.5 percent of the sergeants, thought it was appropriate to use force to apprehend a man who had completed a rape and there was no other way to apprehend him, and 49.7 percent believed that it could be used to apprehend a suspect who had committed a burglary with a gun in his possession. Sixty-two and five-tenths percent of participating sergeants also took this position. Finally, 56 percent of the questioned police officers (56.3 percent of the sergeants) said that they were only authorized to draw their guns when they were justified to use deadly force. The policy does not support their answer (see Appendix O).

Table 91 contains the response patterns to the initial incidents. The pattern of responses of Birmingham officers was much in accord with those of their chief. In five of the questions, the highest percentage of responses was the response class chosen by the chief. Some Birmingham police officers picked the most aggressive response available in six of the eight incidents. While in no case did the percentage involve a majority of the officers, in two, 21.2 percent and 27.5 percent of the officers decided upon the most aggressive reply. The chief did not select any of these responses.

[INSERT TABLE 91 HERE]

A similar pattern was shown in Miami where the majority of officers chose the chief's response in six of the eight questions. In five of the eight questions, one or more Miami police officers chose the most aggressive reply, but 19.1 percent of the officers was the largest representation. (See Table 92.) The chief did not select any of these responses.

[INSERT TABLE 92 HERE]

Oakland's officers also followed the lead of their chief in 75 percent of the incidents (six of eight). Some Oakland officers indicated the most aggressive reply in four of the eight incidents. The largest group that made such a selection was 10.5 percent. The chief did not select the most aggressive reply on any question.

As Table 92 shows, Birmingham clearly had the largest percentage of officers who selected the most aggressive answers. Oakland had the smallest percentage of such choices.

Finally, the vast majority of officers in Miami and Oakland found their present policy adequate with favorable ratings of 77.5 percent and 88.2 percent, respectively. See Table 93.

[INSERT TABLE 93 HERE]

TABLE 91. CRITICAL INCIDENT RESPONSES IN BIRMINGHAM, MIAMI, AND OAKLAND.

INCIDENT #1: ACTION IN PURSUIT OF STORE BURGLAR

	<u>Birmingham</u>	<u>Miami</u>	<u>Oakland</u>
A. Return to Original Scene	29.3%	17.0%	15.1%
B. Shoot at Subject	18.7%	---	---
C. Go to Car for Help	52.0%*	73.9%*	82.6%
D. Other, Describe	---	9.1%	2.3%

INCIDENT #2: ACTION AT SHOOTING SCENE

	<u>Birmingham</u>	<u>Miami</u>	<u>Oakland</u>
A. Wait for Developments	73.2%*	22.7%	36.0%
B. Move Toward House	19.5%	37.5%*	36.0%
C. Prepare to Use Gun	7.4%	10.2%	4.7%
D. Other, Describe	---	29.5%	40.7%*

INCIDENT #3: ACTION AT HEROIN ARREST

	<u>Birmingham</u>	<u>Miami</u>	<u>Oakland</u>
A. Shoot at Fleeing Suspect	17.3%	---	---
B. Chase Fleeing Suspect	31.3%*	47.2%	46.5%
C. Call for Assistance	51.3%	32.6%*	26.7%
D. Other, Describe	---	20.2%	26.7%*

INCIDENT #4: ACTION AT DISTURBANCE CALL

	<u>Birmingham</u>	<u>Miami</u>	<u>Oakland</u>
A. Call for Assistance	49.7%	60.7%	43.0%
B. Obtain More Information	50.3%*	37.1%*	51.2%*
C. Draw Your Weapon	---	1.1%	---
D. Other, Describe	---	1.1%	5.0%

INCIDENT #5: ACTION IN PURSUIT OF STOLEN CAR

	<u>Birmingham</u>	<u>Miami</u>	<u>Oakland</u>
A. Terminate Pursuit	51.0%	52.8%*	73.3%*
B. Continue Pursuit	49.0%*	42.7%	17.4%
C. Try to Shoot Out Tire	---	---	---
D. Other, Describe	---	4.5%	9.3%

*Answer chosen by the Chief of Police

(continued on next page)

TABLE 91 (continued)

INCIDENT #6: ACTION AT FIGHT BETWEEN OFFICER AND DRUNK

	<u>Birmingham</u>	<u>Miami</u>	<u>Oakland</u>
A. Announce Presence	47.7%*	62.9%*	62.8%*
B. Draw Your Weapon	21.2%	11.2%	5.8%
C. Approach with Night Stick	31.1%	25.8%	30.2%
D. Other, Describe	---	---	1.2%

INCIDENT #7: ACTION IN TEEN BURGLARY

	<u>Birmingham</u>	<u>Miami</u>	<u>Oakland</u>
A. Request Assistance	23.0%*	49.4%*	32.6%
B. Question Victim	49.3%	29.2%	57.0%*
C. Pursue Subjects	27.6%	19.1%	10.5%
D. Other, Describe	---	2.2%	---

INCIDENT #8: ACTION AT SCENE OF PROWLER

	<u>Birmingham</u>	<u>Miami</u>	<u>Oakland</u>
A. Request Assistance	12.5%	32.6%	30.2%
B. Call to Suspect	83.6%*	60.7%*	64.0%*
C. Draw Gun	3.9%	6.7%	3.0%
D. Other, Describe	---	---	2.3%

*Answer chosen by the Chief of Police

TABLE 92. PERCENT OF OFFICERS SELECTING THE "MOST AGGRESSIVE STANCE" IN BIRMINGHAM, MIAMI, AND OAKLAND

<u>Question</u>	<u>Birmingham</u>	<u>Miami</u>	<u>Oakland</u>
1	18.7%	---	---
2	7.4%	10.2%	4.7%
3	17.3%	---	---
4	---	1.1%	---
5	---	---	---
6	21.2%	11.2%	5.8%
7	27.6%	19.1%	10.5%
8	3.9%	6.7%	3.0%

TABLE 93. RESPONSES RELATED TO PERCEIVED ADEQUACY OF PRESENT DEPARTMENT POLICY

	<u>Percent Adequate</u>	<u>Percent Inadequate</u>
Birmingham	19.9%	80.1%
Miami	77.5%	22.5%
Oakland	88.2%	11.8%

It should be noted that the Oakland policy had been in effect for a number of years prior to the survey so the high level of acceptance is not surprising. But the Miami policy was spanking new at survey time, and a level of acceptance of 77.5 percent would not be expected. There were, however, deviations not shown in the table. Sixty-six and seven-tenths percent of all questioned sergeants, 50 percent of the Special Patrol Unit officers, 42.9 percent of interviewed traffic officers, and 43.5 percent of all officers having between six and 10 years of service either objected to the policy or showed only moderate support for it.

The vast majority of Birmingham's officers (80.1 percent) considered the current policy inadequate. These were responding not only to the restrictive nature of the policy, but to what they saw as political interference in forcing its adoption. Even the chief, during the period in question, saw it as too restrictive.

Section B. The presentation of responses of Newark police officers to the critical incident questionnaire will be divided into five problem areas:

1. Agreement of police officer responses with official police policy.
2. Agreement of officers in patrol division with policy.
3. Differential standards for judging acceptability of deadly force.
4. Differences in response patterns by officers in special units.

1. Agreement of police officers with official police policy.

Newark officers generally agreed with official policy on most of the Newark seven critical incidents (see Appendix H). Prior to administration of the instrument, "correct" policy answers were obtained through legal review and discussion among the police director's chief assistant,

deputy chief of patrol, chief inspector of patrol, and head of internal affairs. Surprisingly, this small group reached 100 percent agreement as to the "correct" answers to the seven major critical incident situations.

In Incident I (cat burglar), fully 86 percent of the officers agreed with the official policy that it would be best to let the cat burglar escape (see Table 94). In Incident II (purse snatcher), 83 percent agreed with the official policy that only physical force be used to capture the juvenile purse snatcher. There was less agreement in response to Incident III (dealing with a man threatening officers with a blunt metal instrument in a hostile crowd). Twenty-one and five-tenths percent of the officers indicated that they would threaten to shoot the man. In Incident IV (the escaping rapist), a plurality of 45 percent agreed with official policy that it would be best to let the rapist escape. However, 36 percent indicated that they would shoot to kill. In answering Incident V (the armed psychotic man), 62 percent of the officers agreed they would try to keep him at bay, rather than use deadly force. In response to Incident VI (armed robber), opinion was divided, with fully 45 percent of the Newark officers indicating they would use deadly force to capture the robber and only 42 percent agreeing with policy that it would be best to hold fire in the downtown crowd. In the final Incident VII (the escaping thief), 70 percent of the officers agreed with the answer chosen in the consensus of authority.

[INSERT TABLE 94 HERE]

It is interesting to observe the specific incidents in which officers indicated low agreement with official policy (in Incidents III, IV, and VI where there was less than 50 percent agreement with official police policy); all involved violent confrontations with an opponent. In the

TABLE 94. AGREEMENT WITH OFFICIAL POLICY BY NEWARK POLICE OFFICERS IN SEVEN CRITICAL INCIDENTS

<u>Situation</u>	<u>Percent Agree with Policy</u>	<u>N Agree</u>
I. Cat Burglar	86%	239
II. Purse Snatcher	83%	233
III. Angry Crowd	42%	116
IV. Rapist	45%	125
V. Suspected Psychotic	62%	175
VI. Armed Robbery	42%	117
VII. Store Robbery	70%	193
	<hr/>	<hr/>
Percent Possible	100%	Total Possible 283

situations where there was a high level of agreement (i.e., Incidents I, II, and VII), there was no immediate threat to life of either citizen or police officer.

2. Agreement of officers in patrol division with policy.

Analysis for the patrol division was conducted by rank. The results are shown in Table 95. Generally speaking, the percentage of agreement over ranks was remarkably constant. In Incident I, for example, 90 percent of the lieutenants, 90 percent of the sergeants, and 84 percent of the patrol officers picked the policy response, which was of course the choice of the Patrol Deputy Chief (D).

[INSERT TABLE 95 HERE]

Interestingly, on an item with the largest discrepancy between patrol officers and lieutenants (Incident VI), we have the armed (and presumably dangerous) robber with line officers showing less restraint than that initiated by their superiors:

3. Differential standards for judging acceptability of deadly force.

At the end of the Critical Survey Instrument administered in Newark is a listing of seven situations in which deadly force may or may not be used (see Appendix H). For example, the first item asks if it may be used against a "Fleeing petty theft suspect." And there are four categories of permission or acceptability: according to state law, departmental regulations, the general consensus of officers in the department, and the responding officer himself.

We suggested in Volume III that, contrary to the expectations of many, the majority of officers set standards more restrictive than state law.

TABLE 95. PERCENT OF NEWARK PATROL DIVISION POLICE OFFICERS AGREEING WITH
NEWARK PATROL DEPUTY CHIEF (THE POLICY CHOICE)

	INCIDENT						
	<u>I Cat Burglar</u>	<u>II Purse Snatcher</u>	<u>III Angry Crowd</u>	<u>IV Rapist</u>	<u>V Suspected Psychotic</u>	<u>IV Armed Robbery</u>	<u>VII Store Robbery</u>
Lieutenant	90(9)	100(10)	54(6)	45(5)	81(9)	54(6)	81(9)
Sergeant	90(19)	90(19)	38(8)	52(11)	76(16)	57(12)	71(15)
Patrol Officer	84(167)	82(163)	42(84)	47(93)	61(121)	39(77)	71(138)
Dept. Total	84%	84%	41%	44%	62%	42%	70%

The pattern of responses to the last critical survey item, shown in Table 96, allows examination of that suggestion.

[INSERT TABLE 96 HERE]

The percentages of affirmative (permissive) responses are shown in Figure III. Notice that the total responses across all situations indicate a declining affirmation to use deadly force on the basis of state law, administrative policy, group norms, and individual standards.

[INSERT FIGURE III HERE]

This pattern suggests that officers believe that administrative rules, group norms, and individual standards increasingly restrict the use of deadly force. In terms of strong armed robbers, for example, fully 106 officers believed that given state guidelines, they would be justified in using deadly force. Only 90 officers believed that such actions would be justified using Newark police guidelines. Seventy-one officers believed most of their peers would use deadly force and only 61 believe they themselves might use deadly force. The results may be illustrated by the diagram based on "concentric circles" of police shooting discretion, as used in Volume III (Figure IV).

[INSERT FIGURE IV HERE]

In general, the widths of the bands (i.e., degrees of difference) were largest in situations where there was little violence or danger to the officer (and yet deadly force was allowable under state law, e.g., strong armed robbery, arson). There were few observed differences between response patterns given state law and other standards in situations where use of deadly force was clearly not allowable under state law (e.g., petty theft).

4. Differences in response patterns by officers in special units.

The most surprising results involved response differences over various operational units. The results were far more diverse than one

TABLE 96. NEWARK OFFICERS INDICATING THEY WOULD SHOOT/NOT SHOOT IN SPECIFIC SITUATIONS DEFINED BY STATE LAW, NEWARK POLICY, GROUP NORMS, AND INDIVIDUAL STANDARDS

<u>Fleeing Suspects</u>	<u>State Law</u>		<u>Newark PD Rules</u>		<u>Most Officers</u>		<u>Officer Himself Would</u>	
	<u>yes</u>	<u>no</u>	<u>yes</u>	<u>no</u>	<u>yes</u>	<u>no</u>	<u>yes</u>	<u>no</u>
Petty theft	4	250	3	251	6	241	6	242
Armed robber	192	57	170	77	168	76	159	84
Strong armed robber	106	144	90	159	71	169	61	183
Arsonist	175	68	155	87	112	121	108	132
Kidnapper	163	79	149	90	107	125	106	133
B & E	169	80	157	93	151	92	145	101
Paternity Warrant	<u>85</u>	<u>123</u>	<u>85</u>	<u>163</u>	<u>94</u>	<u>149</u>	<u>87</u>	<u>158</u>
Total	890	801	809	920	709	973	672	1033
Percent	52%	48%	46%	54%	42%	55%	39%	61%

586 551
 1437
 62% 33%
 806 669
 1475
 55% 45%

FIGURE III. NUMBER OF NEWARK OFFICERS SAYING THEY WOULD BE WILLING TO SHOOT IN ALL SITUATIONS

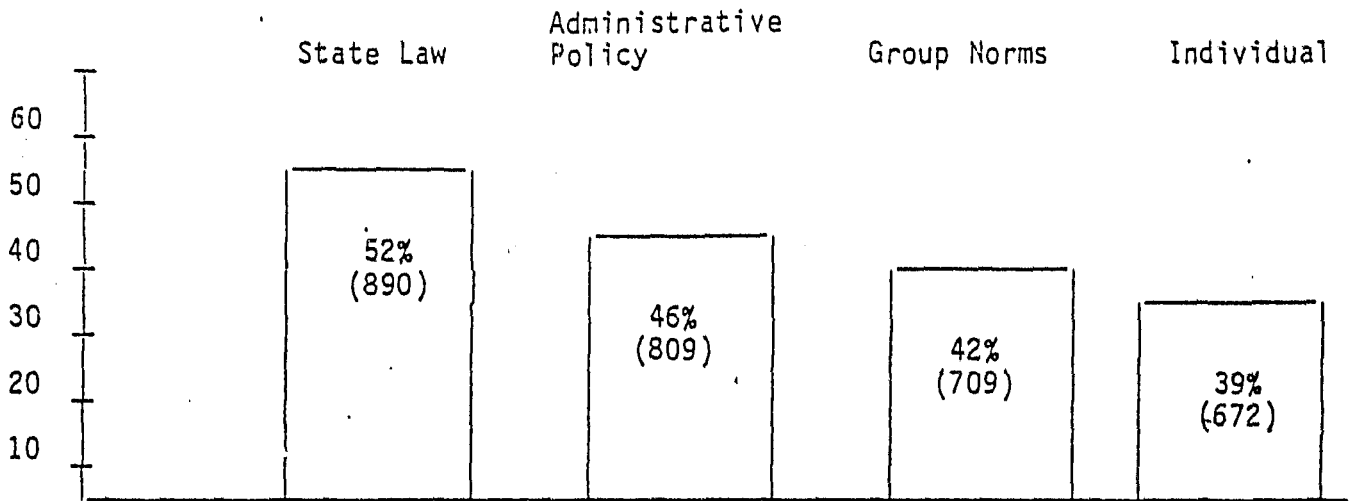
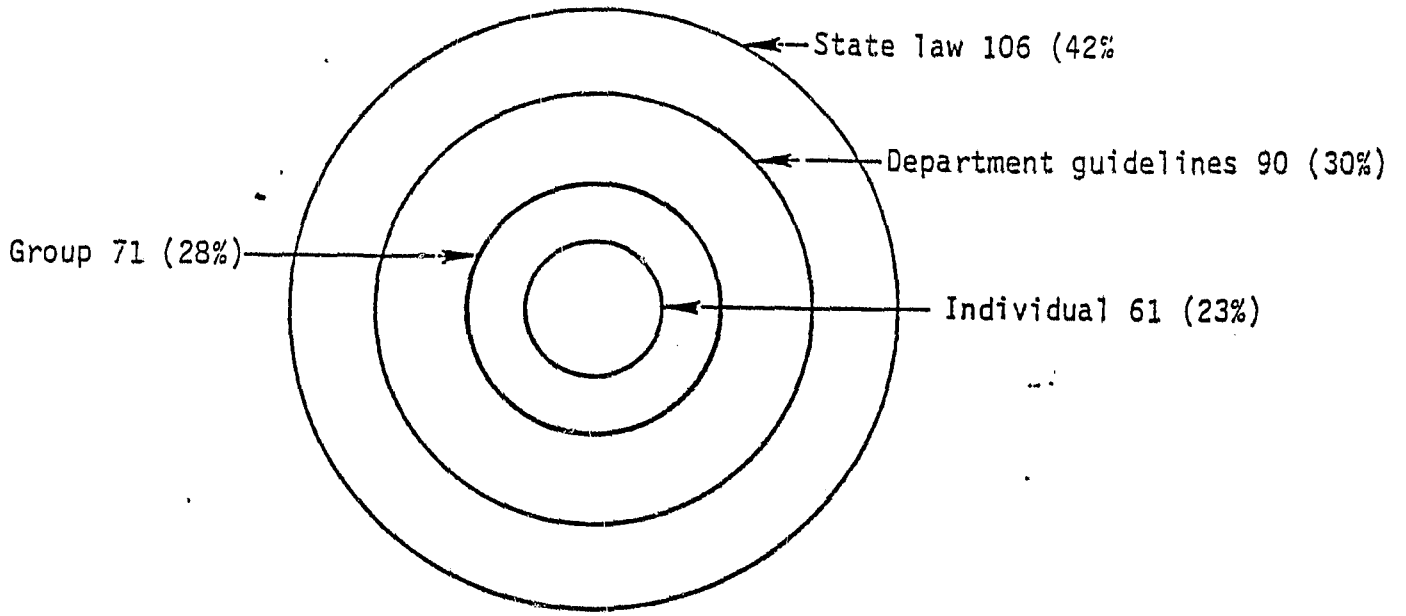


FIGURE IV. CIRCLES OF DECISION-MAKING



would expect from the many writings on a police "subculture." These differences were, of course, most obvious in terms of situations where there was disagreement within the department as to the best course of action (i.e., in the most ambiguous situations). The data are for the critical incidents summarized in Table 97.

[INSERT TABLE 97 HERE]

In Incident III (hostile crowd), for example, only three percent of the Emergency Bureau, 25 percent of the Director's staff, and 18 percent of the Traffic Bureau said they would use deadly force. In contrast, 42 percent of the Tactical Force, 71 percent of the North Precinct, and 53 percent of the West Precinct indicated they would do so. Similarly, in Incident IV (armed robber), only 25 percent of the Director's Office, Youth Service Bureau, and East Precinct responded they would use deadly force. Fully 71 percent of the Narcotics Bureau, 57 percent of the West Precinct, 60 percent of the South Precinct, and 81 percent of Emergency Bureau responded they would use deadly force in the same situation.

In terms of questions dealing with what most officers would do in a particular situation, there was surprising agreement within some units. Consider the data in Table 98 relative to four special units.

[INSERT TABLE 98 HERE]

Similarly, in response to whether most officers would shoot the arsonist, 100 percent of the Emergency Bureau and 100 percent of the Director's office decided that most officers would not use deadly force. Sixty-five percent of the West District, 57 percent of the detective's bureau, 83 percent of the North Precinct, and 66 percent of the tactical force, in contrast, said they would use deadly force in the same situation.

TABLE 97. PERCENT SAYING THEY WOULD USE DEADLY FORCE IN SEVEN CRITICAL INCIDENTS

UNIT	(N)	I Cat Burglar	II Purse	III Crowd	IV Rapist	V Psychotic	VI Armed Robber	VII Thief	Number of Situations Above Departmental Mean
Business	(9)	0	0	22 ²	11 ¹	11 ¹	22 ²	0	0
Staff Service	(7)	0	0	14 ¹	57 ⁷	0	42 ³	0	1
Emergency	(33)	0	0	3 ¹	0	0	81 ²⁷	0	1
Tactical	(28)	7 ²	0	42 ¹²	32 ⁷	25 ⁷	42 ¹²	0	3
North	(8)	0	0	62 ⁵	62 ⁵	25 ²	50 ⁴	28 ²	4
Communication	(9)	0	0	37 ³	77 ⁷	22 ²	11 ¹	0	3
Youth Service	(10)	0	0	40 ⁴	80 ⁸	40 ⁴	25 ²	5 ¹	3
Traffic	(49)	2 ¹	0	18 ⁹	22 ¹¹	10 ⁵	31 ¹⁵	8 ⁷	1
Detective	(20)	5 ¹	9 ²	26 ⁵	52 ¹⁰	10 ²	50 ¹⁰	20 ⁷	2
South	(33)	9 ³	9 ³	33 ¹¹	42 ¹⁴	30 ¹⁰	60 ²⁰	9 ³	7
Director's	(8)	25 ²	12 ¹	25 ²	50 ⁴	50 ⁴	25 ²	12 ¹	5
East	(20)	0	0	40 ⁸	25 ⁵	15 ³	25 ⁵	5 ¹	2
West	(28)	28 ⁵	21 ⁶	53 ¹⁵	53 ¹⁵	21 ⁶	57 ¹⁶	17 ⁵	7
Narcotics	(7)	0	0	0	14 ¹	9 ¹	71 ⁵	0	1
Department Average		5%	3%	31%	36%	18%	54%	7%	

267

124

TABLE 98. ARMED ROBBER--MOST OFFICERS HERE WOULD USE DEADLY FORCE

	<u>Yes</u>	<u>No</u>
Tactical Force	22(91.7%)	1(8.3%)
Narcotics Bureau	5(85.7%)	1(14.3%)
Emergency Bureau	1(3.2%)	30(96.8%)
Director's Office	1(14.3%)	6(85.7%)

In general, as may be seen in Table 97, units tended to be reasonably consistent across situations in terms of a propensity toward using deadly force or restraint. The West Precinct (with one of the highest crime rates in the city), for example, was above the mean in each of the seven situations. Several units, e.g., Business, and with one exception, Emergency Staff Service, Traffic, and Narcotics were more restrained than the department as a whole on each situation. Other units showed mixed profiles--restrained on some incidents, "shooting-oriented" on others.

Finally, we counted the number of shots fired by the officers in each of the four regional precincts over the 18-month period January 1979 to June 1980. The results are as follows: North-28, West-23, South-16, East-13. A close relationship was found between these figures and serious crime rates in the precincts (see Table 99).

[INSERT TABLE 99 HERE]

Given these differences both in the use of deadly force and in the presence of violent crime in a particular area, we sought to determine how these differences corresponded to the recent officers' willingness to use deadly force in the seven hypothetical critical incident cases. Table 100 contains the percentages of officers in the precincts saying they would use deadly force in the seven incidents.

[INSERT TABLE 100 HERE]

The two precincts with fewest shots fired and serious crime (South and East) tended to have the lowest percentages of officers indicating they would use deadly force. Similarly, in all but one of the seven incidents did either the violent North or West Precincts indicate the greatest percentage of officers willing to use deadly force in the seven hypothetical situations. This pattern suggests that there is at least some relationship between the

TABLE 99. PROFILE OF EACH POLICE PRECINCT ACCORDING TO ITS RANK ON PART I CRIME, 1978 AND 1979

<u>North</u>	<u>1978</u>	<u>1979</u>	<u>East</u>	<u>1978</u>	<u>1979</u>
Murder	2	2	Murder	4	4
Rape	3	3	Rape	4	4
Robbery	2	2	Robbery	4	4
Aggravated Assault	3	1	Aggravated Assault	4	4
Burglary	2	1	Burglary	4	4
Larceny	2	2	Larceny	1	1
Auto Theft	1	1	Auto Theft	2	2
Total Part I	1	1	Total Part I	2	2
<u>West</u>			<u>South</u>		
Murder	1	1	Murder	3	3
Rape	1	2	Rape	2	1
Robbery	1	1	Robbery	3	3
Aggravated Assault	1	2	Aggravated Assault	2	3
Burglary	1	2	Burglary	3	3
Larceny	3	3	Larceny	4	4
Auto Theft	4	3	Auto Theft	3	4
Total Part I	3	3	Total Part I	4	4

NOTE: Each entry indicates the rank for the given precinct for the crime in question.

TABLE 100. PERCENTAGES OF OFFICERS SAYING THEY WOULD USE DEADLY FORCE

Situation	1	2	3	4	5	6	7	
North	0%	0%	62%	64%	25%	50%	28%	33
West	28%	21%	53%	53%	21%	57%	17%	36
South	9%	9%	33%	42%	30%	60%	9%	27
East	0%	0%	40%	25%	15%	25%	5%	16

rate of deadly force and violence in an area, and the officers' responses to the hypothetical situations. Perhaps contact with violent persons and situations alters attitudes toward deadly force; this association, however, also may be explained by observing that certain attitudes make the use of deadly force more likely or that officers are selected for certain assignments (in violent or nonviolent areas) based on assessments of their attitudes that bias the composition of different commands.

We turn now to a similar differential analysis using three of the seven situations in which deadly force may or may not be used (see Item 3 above). For purposes of this analysis, we divided the 14 operational units into low and high contact groups. Seven operational units were designated high contact because the officers in each had a substantial probability of confronting violent criminals in the course of duty, and two or more shots had been fired by the officers in each unit during the previous six months.

The remaining seven, the low contact units, were previously service units where one would surely not expect two or more shots during the prior six months. One of these, the Director's Office, was omitted from consideration because of its department-wide responsibilities.

The three items selected from the group of seven were: fleeing armed robber, fleeing kidnapper, and fleeing B and E suspect. They reflected the serious crimes in the listing. The responses for high and low contact units are shown in Table 101, and the cumulative percentages are shown in Table 102.

[INSERT TABLES 101 AND 102 HERE]

Clearly, the high contact units indicate greater readiness to use deadly force, with the greatest difference between groupings to the armed B and E item. But, as in the preceding analysis, there was considerable diversity

TABLE 101. COMPARISON OF RESPONSES BY OFFICERS IN LOW AND HIGH CONTACT UNITS

	<u>Would you fire at an armed robber?</u>		<u>Would you fire at a kidnapper?</u>		<u>Would you fire at an armed B&E suspect?</u>	
	Yes	No	Yes	No	Yes	No
<u>LOW CONTACT</u>						
1. Business	6	3	2	7	2	7
2. Staff Service	5	2	4	3	4	3
3. Emergency	1	30	0	31	1	30
4. Communications	8	0	8	0	7	1
5. Youth Services	15	2	6	9	14	3
6. Traffic	<u>28</u>	<u>9</u>	<u>27</u>	<u>12</u>	<u>25</u>	<u>14</u>
TOTAL	64	46	48	68	54	64
<u>HIGH CONTACT</u>						
1. Tactical Forces	22	3	14	10	23	3
2. North	7	0	4	3	4	2
3. Det. Bur.	11	4	4	10	13	2
4. South	21	11	14	16	22	9
5. East	11	5	6	11	9	8
6. West	18	7	13	11	16	10
7. Narco	<u>5</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>4</u>	<u>3</u>
TOTAL	95	32	58	78	91	37

TABLE 102. PERCENT OF ALL LOW AND HIGH CONTACT OFFICERS INDICATING THEY WOULD USE DEADLY FORCE

	Armed Robber		Kidnapper		Armed B&E	
	Yes	No	Yes	No	Yes	No
Low Contact	59%(64)	41%(46)	41%(48)	59%(68)	48%(54)	54%(64)
High Contact	74%(95)	26%(32)	43%(58)	57%(78)	71%(91)	29%(37)
Total	(159)	(78)	(106)	(146)	(145)	(101)
				<u>Yes</u>	<u>No</u>	
TOTALS		Low Contact		48%(166)	52%(178)	
		High Contact		60%(244)	40%(147)	

over units, even within each grouping. The picture for Traffic and Youth Services, indeed, was closer to high than to low contact units.

Table 103 highlights the diversity by focusing on the most discrepant units within the low category.

[INSERT TABLE 103 HERE]

Community Survey

This analysis is based on the responses of citizens to the items in the questionnaire shown in Appendix L.

Tables 104, 105, 106, 107, and 108 contain rating of police by citizens on the basis of sex, annual income, race, whether or not the respondent indicated fear of neighborhood, and educational level, respectively. In general, citizens rated police officers as either good (about 44 percent) or fair (about 28 percent). There is no sex difference in evaluations of police (Table 104). But there is significant relationship between income level and police evaluation (Table 105). While evaluation tended to be better with higher income, proportionately the highest "Excellent" rating came from the \$20,000-24,999 group (Table 105). Blacks and Hispanics were far more critical of the police than Anglos, and the Blacks were more critical than the Hispanics (Table 106). Indeed, 61.2 percent of the Blacks and 44.4 percent of the Hispanics, as compared with 34.1 percent of the Anglos rated the police as "Fair," "Poor," or "Bad." Finally, persons who reported fear of their neighborhoods were more critical of the police than the other citizens. For the "Poor" and "Bad" categories, there was a 26.3 percent response rate for the "yes" citizens as opposed to 13.6 percent for the "no" citizens. There was no difference between the groups in the "Excellent" (9.4 percent) and "Fair" categories (28.1 percent).

TABLE 103. DIFFERENCES BETWEEN EXTREMES IN LOW CONTACT CATEGORY

	Armed Robber		Kidnapper		Armed B&E	
	Yes	No	Yes	No	Yes	No
Emergency	3%(1)	97%(30)	0%(0)	100%(30)	3%(1)	97%(30)
Traffic	88%(28)	22%(9)	69%(27)	31%(12)	64%(25)	36%(14)

There appears to be no relationship between educational level of respondent and attitude toward the police.

[INSERT TABLES 104 TO 108 HERE]

Table 109 contains tabulations of responses to the item "People here don't trust the police." Contrary to expectation, there was little difference between Blacks and Anglos in the "Agree Completely" and "Agree a Little" categories (54.7 percent vs. 52.7 percent). About 20 percent of Hispanics and Blacks reported "Not Sure" to the question as opposed to only 6.8 percent of Anglos. Substantial difference, too, occurred between Anglos and the minority citizens on the response categories "Disagree a Little" and "Disagree Completely" (40.5 percent of the Anglos gave one of those two responses, while 25.3 percent of the Blacks and 33.5 percent of the Hispanics did so).

[INSERT TABLE 109 HERE]

Table 110 contains responses to the same item, broken down by annual income of respondent. Interestingly, highest proportionate responses in the two "agreeing" categories came from the mid-level income classes and lowest in the highest and lowest income classes. The highest and lowest income classes, however, are not in that type of accord for the two "disagreeing" categories.

[INSERT TABLE 110 HERE]

The two items specifying police prejudice against minorities are isolated by race in Table 111 for the Black direction of prejudice and in Table 112 for the Hispanic direction. Only 16.6 percent of the Hispanics and 19.0 percent of the Anglos agree that police are prejudiced against Blacks, while 42.2 percent of Blacks do so (Table 111). On the other hand, while only 25.7 percent of the Anglos agree that police are prejudiced against Hispanics, 37.6 percent of the Hispanics and 32.9 percent of the Blacks agreed. Complete

TABLE 104. RATING OF POLICE IN NEIGHBORHOOD BY SEX

	Count	SEX		Row Total
		MALE	FEMALE	
	Row %			
	Col %	1.	2.	
EXCELLENT	1.	22	19	41
		53.7	46.3	9.3
		10.0	8.6	
GOOD	2.	102	92	194
		52.6	47.4	44.2
		46.6	41.8	
FAIR	3.	59	64	123
		48.0	52.0	28.0
		26.9	29.1	
POOR	4.	22	32	54
		40.7	59.3	12.3
		10.0	14.5	
BAD	5.	14	13	27
		51.9	48.1	6.2
		6.4	5.9	
Column Total		219	220	439
		49.9	50.1	100.0

.Chi. square = 2.82485 with 4 Degrees of freedom Significance = 0.5876

Number of missing observations = 16

TABLE 105. RATING OF POLICE IN NEIGHBORHOOD BY ANNUAL INCOME

		CS19					
Count :		UNDER	\$10,000-	\$20,000-	\$25,000-	\$30,000	Row
Row % :		\$10,000	\$19,999	\$24,999	\$29,999	AND +	Total
Col % :		1.:	2.:	3.:	4.:	5.:	
EXCELLENT	1.	7	9	15	1	6	38
		18.4	23.7	39.5	2.6	15.8	10.0
		6.5	7.7	22.7	4.8	8.8	
GOOD	2.	51	46	22	11	33	163
		31.3	28.2	13.5	6.7	20.2	43.0
		47.7	39.3	33.3	52.4	48.5	
FAIR	3.	28	33	20	6	22	109
		25.7	30.3	18.3	5.5	20.2	28.8
		26.2	28.2	30.3	28.6	32.4	
POOR	4.	11	20	7	2	6	46
		23.9	43.5	15.2	4.3	13.0	12.1
		10.3	17.1	10.6	9.5	8.8	
BAD	5.	10	9	2	1	1	23
		43.5	39.1	8.7	4.3	4.3	6.1
		9.3	7.7	3.0	4.8	1.5	
Column	107	117	66	21	68	379	
Total	28.2	30.9	17.4	5.5	17.9	100.0	

Chi square = 26.47575 with 16 Degrees of freedom Significance = 0.0477

Number of missing observations = 76

TABLE 106. RATING OF POLICE IN NEIGHBORHOOD BY RACE

	Count	RACE			Row Total	
		Row %	BLACK	HISPANIC		ANGLO
		Col %	1.	2.		3.
EXCELLENT	1.	9	11	21	41	
		22.0	26.8	51.2	9.3	
		6.3	7.2	14.6		
GOOD	2.	46	74	74	194	
		23.7	38.1	38.1	44.2	
		32.4	48.4	51.4		
FAIR	3.	53	33	37	123	
		43.1	26.8	30.1	28.0	
		37.3	21.6	25.7		
POOR	4.	23	23	8	54	
		42.6	42.6	14.8	12.3	
		16.2	15.0	5.6		
BAD	5.	11	12	4	27	
		40.7	44.4	14.8	6.2	
		7.7	7.8	2.8		
Column Total		142	153	144	439	
		32.3	34.9	32.8	100.0	

. Chi. square = 32.03935 with 8 Degrees of freedom Significance = 0.0001

Number of missing observations = 16

TABLE 107. RATING OF POLICE IN NEIGHBORHOOD BY AFRAID OF YOUR NEIGHBORHOOD

	Count	Row %		Row Total
		YES	NO	
	Col %	1.	2.	
EXCELLENT	1.	16	25	41
		39.0	61.0	9.4
		9.4	9.4	
GOOD	2.	62	131	193
		32.1	67.9	44.1
		36.3	49.1	
FAIR	3.	48	75	123
		39.0	61.0	28.1
		28.1	28.1	
POOR	4.	31	23	54
		57.4	42.6	12.3
		18.1	8.6	
BAD	5.	14	13	27
		51.9	48.1	6.2
		8.2	4.9	
Column Total		171	267	438
		39.0	61.0	100.0

Chi square = 13.39546 with 4 Degrees of freedom Significance = 0.0095

Number of missing observations = 17

TABLE 108. RATING OF POLICE IN NEIGHBORHOOD BY EDUCATIONAL LEVEL

		Count :					
		Row %	Row %	Row %	Row %	Row %	Row
		Col %	Col %	Col %	Col %	Col %	Total
		THAN H.S.	H.S.	SOME COLLEGE	COLLEGE GRAD	POST GRAD	
		GPAD					
		1.:	2.:	3.:	4.:	5.:	
EXCELLENT	1.	11	13	11	4	2	41
		26.8	31.7	26.8	9.8	4.9	9.4
		8.1	10.9	9.4	8.3	10.5	
GOOD	2.	63	46	48	26	10	193
		32.6	23.8	24.9	13.5	5.2	44.1
		46.7	38.7	41.0	54.2	52.6	
FAIR	3.	32	30	42	13	6	123
		26.0	24.4	34.1	10.6	4.9	28.1
		23.7	25.2	35.9	27.1	31.6	
POOR	4.	17	21	11	4	1	54
		31.5	38.9	20.4	7.4	1.9	12.3
		12.6	17.6	9.4	8.3	5.3	
BAD	5.	12	9	5	1	0	27
		44.4	33.3	18.5	3.7	0.0	6.2
		8.9	7.6	4.3	2.1	0.0	
Column		135	119	117	48	19	438
Total		30.8	27.2	26.7	11.0	4.3	100.0

Chi square = 17.28303 with 16 Degrees of freedom Significance = 0.3675

Number of missing observations = 17

TABLE 109. PEOPLE DON'T TRUST POLICE BY RACE OF RESPONDENT

	Count	RACE			Row Total
		BLACK	HISPANIC	ANGLO	
	Row %	1.:	2.:	3.:	
	Col %				
1.	44	31	32		107
AGREE COMPLETELY	41.1	29.0	29.9		23.8
	29.3	20.4	21.6		
2.	37	40	46		123
AGREE A LITTLE	30.1	32.5	37.4		27.3
	24.7	26.3	31.1		
3.	31	30	10		71
NOT SURE	43.7	42.3	14.1		15.8
	20.7	19.7	6.8		
4.	18	14	27		59
DISAGREE A LITTLE	30.5	23.7	45.8		13.1
	12.0	9.2	18.2		
5.	20	37	33		90
DISAGREE COMPLETELY	22.2	41.1	36.7		20.0
	13.3	24.3	22.3		
Column Total	150	152	148	450	
	33.3	33.8	32.9	100.0	

Chi square = 25.62728 with 8 Degrees of freedom Significance = 0.0012

Number of missing observations = 5

TABLE 110. PEOPLE DON'T TRUST POLICE BY ANNUAL INCOME

		Count :							
		Row %	Col %	1.:	2.:	3.:	4.:	5.:	Row Total
		: UNDER	: \$10,000	: \$10,000-	: \$20,000-	: \$25,000-	: \$30,000		
		: \$10,000	: \$19,999	: \$24,999	: \$29,999	: AND +			
		:	:	:	:	:	:	:	
AGREE COMPLETELY	1.	: 21	: 32	: 16	: 7	: 22	:	:	98
		: 21.4	: 32.7	: 16.3	: 7.1	: 22.4	:	:	25.3
		: 18.9	: 27.4	: 24.2	: 30.4	: 31.4	:	:	
AGREE A LITTLE	2.	: 27	: 34	: 20	: 7	: 12	:	:	100
		: 27.0	: 34.0	: 20.0	: 7.0	: 12.0	:	:	25.8
		: 24.3	: 29.1	: 30.3	: 30.4	: 17.1	:	:	
NOT SURE	3.	: 29	: 17	: 7	: 1	: 5	:	:	59
		: 49.2	: 28.8	: 11.9	: 1.7	: 8.5	:	:	15.2
		: 26.1	: 14.5	: 10.6	: 4.3	: 7.1	:	:	
DISAGREE A LITTLE	4.	: 14	: 11	: 8	: 5	: 11	:	:	49
		: 28.6	: 22.4	: 16.3	: 10.2	: 22.4	:	:	12.7
		: 12.6	: 9.4	: 12.1	: 21.7	: 15.7	:	:	
DISAGREE COMPLETELY	5.	: 20	: 23	: 15	: 3	: 20	:	:	81
		: 24.7	: 28.4	: 18.5	: 3.7	: 24.7	:	:	20.9
		: 18.0	: 19.7	: 22.7	: 13.0	: 28.6	:	:	
Column Total		111	117	66	23	70		387	
		28.7	30.2	17.1	5.9	18.1		100.0	

Chi square = 27.28446 with 16 Degrees of freedom Significance = 0.0384

Number of missing observations = 68.

disagreement with both statements came from about 40 percent of the Anglos and only slightly more than one-half that percentage for the two minority groups, regardless of the stated direction of the prejudice.

[INSERT TABLES 111 AND 112 HERE]

Responses to the item "Police officers will shoot people when shooting can be avoided" are classified by sex in Table 113, by race in Table 114, by annual income in Table 115, by fear of neighborhood in Table 116, and by educational level in Table 117. Again, there is no sex difference (Table 113). Blacks differ markedly from both Hispanics and Anglos in degree of agreement with the statement (Table 114). For example, 55.6 percent of the Blacks agree with the statement, as opposed to 31.4 percent of the Hispanics 27.9 percent of the Anglos. Hispanics and Anglos differ most in the proportionate responses in the "Disagree Completely" category--24.8 percent of the Hispanics and 42.2 percent of the Anglos so responded. The highest income group showed the largest proportionate disagreement with the statement (54.3 percent) and smallest proportionate agreement (28.5 percent) (Table 115). Finally, there were not significant differences on the divisions based on fear of neighborhood and educational level (Tables 116 and 117).

[INSERT TABLES 113 TO 117 HERE]

Responses to the question as to which group has more people shot by the police are tabulated by sex in Table 118, by race in Table 119, by annual income in Table 120, by fear of neighborhood in Table 121, and by education in Table 122. It is clear that the choice is "Blacks" over all conditions. But there is significant interaction with race (Table 119). While Hispanics choose Blacks predominantly, the difference between the choice "Blacks" and the choice "Hispanics" is less than for any other group over all tables (59.1

TABLE 111. POLICE ARE PREJUDICED AGAINST BLACKS BY RACE

	Count	RACE			Row Total
		BLACK	HISPANIC	ANGLO	
	Row %	1.:	2.:	3.:	
	Col %				
1.	23	10	10	43	
AGREE COMPLETELY	53.5	23.3	23.3	9.5	
	15.4	6.4	6.8		
2.	40	16	18	74	
AGREE A LITTLE	54.1	21.6	24.3	16.3	
	26.8	10.2	12.2		
3.	36	72	34	142	
NOT SURE	25.4	50.7	23.9	31.3	
	24.2	45.9	23.0		
4.	15	27	24	66	
DISAGREE A LITTLE	22.7	40.9	36.4	14.5	
	10.1	17.2	16.2		
5.	35	32	62	129	
DISAGREE COMPLETELY	27.1	24.8	48.1	28.4	
	23.5	20.4	41.9		
Column Total	149	157	148	454	
	32.8	34.6	32.6	100.0	

Chi square = 57.40591 with 8 Degrees of freedom Significance = 0.0000

Number of missing observations = 1

TABLE 112. POLICE ARE PREJUDICED AGAINST HISPANICS
BY RACE

	Count	RACE			Row Total
		BLACK	HISPANIC	ANGLO	
Row %					
Col %		1.:	2.:	3.:	
1.	27	22	13	62	
AGREE COMPLETELY	43.5	35.5	21.0	13.7	
	18.1	14.0	8.8		
2.	22	37	25	84	
AGREE A LITTLE	26.2	44.0	29.8	18.5	
	14.8	23.6	16.9		
3.	50	42	34	126	
NOT SURE	39.7	33.3	27.0	27.8	
	33.6	26.8	23.0		
4.	18	20	17	55	
DISAGREE A LITTLE	32.7	36.4	30.9	12.1	
	12.1	12.7	11.5		
5.	32	36	59	127	
DISAGREE COMPLETELY	25.2	28.3	46.5	28.0	
	21.5	22.9	39.9		
Column Total	149	157	148	454	
	32.8	34.6	32.6	100.0	

Chi square = 22.61087 with 8 Degrees of freedom Significance = 0.0039

Number of missing observations = 1

TABLE 113. POLICE SHOOT WHEN IT CAN BE AVOIDED
BY SEX OF RESPONDENT

	SEX		Row Total
	MALE	FEMALE	
Count :			
Row % :			
Col % :			
	1.:	2.:	
1. AGREE COMPLETELY	48	43	91
	52.7	47.3	20.3
	21.6	18.9	
2. AGREE A LITTLE	41	39	80
	51.3	48.8	17.8
	18.5	17.2	
3. NOT SURE	48	61	109
	44.0	56.0	24.3
	21.6	26.9	
4. DISAGREE A LITTLE	21	33	54
	38.9	61.1	12.0
	9.5	14.5	
5. DISAGREE COMPLETELY	64	51	115
	55.7	44.3	25.6
	28.8	22.5	
Column Total	222	227	449
	49.4	50.6	100.0

Chi square = 5.95648 with 4 Degrees of freedom Significance = 0.2024

Number of missing observations = 6

TABLE 114. POLICE SHOOT WHEN IT CAN BE AVOIDED
BY RACE OF RESPONDENT

	Count	RACE			Row Total
		BLACK	HISPANIC	ANGLO	
	Row %	1.:	2.:	3.:	
	Col %				
1. AGREE COMPLETELY	52	19	20	91	20.3
	57.1	20.9	22.0		
	34.9	12.4	13.6		
2. AGREE A LITTLE	30	29	21	80	17.8
	37.5	36.3	26.3		
	20.1	19.0	14.3		
3. NOT SURE	39	43	27	109	24.3
	35.8	39.4	24.8		
	26.2	28.1	18.4		
4. DISAGREE A LITTLE	13	24	17	54	12.0
	24.1	44.4	31.5		
	8.7	15.7	11.6		
5. DISAGREE COMPLETELY	15	38	62	115	25.6
	13.0	33.0	53.9		
	10.1	24.8	42.2		
Column Total	149	153	147	449	
	33.2	34.1	32.7	100.0	

Chi square = 61.38016 with 8 Degrees of freedom Significance = 0.0000

Number of missing observations = 6

TABLE 115. POLICE SHOOT WHEN IT CAN BE AVOIDED
BY ANNUAL INCOME

Count :							
Row % :	UNDER	\$10,000-	\$20,000-	\$25,000-	\$30,000	Row	
Col % :	\$10,000	\$19,999	\$24,999	\$29,999	AND +	Total	
	1.:	2.:	3.:	4.:	5.:		
1.	20	24	12	7	15	78	
AGREE COMPLETELY	25.6	30.8	15.4	9.0	19.2	20.1	
	18.2	20.0	18.5	30.4	21.4		
2.	17	28	16	4	5	70	
AGREE A LITTLE	24.3	40.0	22.9	5.7	7.1	18.0	
	15.5	23.3	24.6	17.4	7.1		
3.	34	26	14	2	12	88	
NOT SURE	38.6	29.5	15.9	2.3	13.6	22.7	
	30.9	21.7	21.5	8.7	17.1		
4.	16	16	4	4	9	49	
DISAGREE A LITTLE	32.7	32.7	8.2	8.2	18.4	12.6	
	14.5	13.3	6.2	17.4	12.9		
5.	23	26	19	6	29	103	
DISAGREE COMPLETELY	22.3	25.2	18.4	5.8	28.2	26.5	
	20.9	21.7	29.2	26.1	41.4		
Column Total	110	120	65	23	70	388	
	28.4	30.9	16.8	5.9	18.0	100.0	

Chi square = 27.67200 with 16 Degrees of freedom Significance = 0.0346

Number of missing observations = 67

TABLE 116. POLICE SHOOT WHEN IT CAN BE AVOIDED
BY AFRAID OF YOUR NEIGHBORHOOD

	Count	YES	NO	Row Total
Row %	Col %	1.:	2.:	
1.	36	55	91	
AGREE COMPLETELY	39.6	60.4	20.3	
	20.8	20.0		
2.	34	46	80	
AGREE A LITTLE	42.5	57.5	17.9	
	19.7	16.7		
3.	43	65	108	
NOT SURE	39.8	60.2	24.1	
	24.9	23.6		
4.	24	30	54	
DISAGREE A LITTLE	44.4	55.6	12.1	
	13.9	10.9		
5.	36	79	115	
DISAGREE COMPLETELY	31.3	68.7	25.7	
	20.8	28.7		
Column Total	173	275	448	
	38.6	61.4	100.0	

Chi square = 3.97635 with 4 Degrees of freedom Significance = 0.4092

Number of missing observations = 7

TABLE 117. POLICE SHOOT WHEN IT CAN BE AVOIDED

BY EDUCATIONAL LEVEL

	Count						Row Total
	Row %	LESS THAN	HIGH H.S. SCHOOL GRAD	SOME COLLEGE	COLLEGE GRAD	POST GRAD	
	Col %	1.:	2.:	3.:	4.:	5.:	
1.		18	26	31	13	3	91
AGREE COMPLETELY		19.8	28.6	34.1	14.3	3.3	20.4
		13.2	21.8	25.2	25.5	16.7	
2.		28	26	16	7	3	80
AGREE A LITTLE		35.0	32.5	20.0	8.8	3.8	17.9
		20.6	21.8	13.0	13.7	16.7	
3.		37	28	27	12	3	107
NOT SURE		34.6	26.2	25.2	11.2	2.8	23.9
		27.2	23.5	22.0	23.5	16.7	
4.		22	13	10	6	3	54
DISAGREE A LITTLE		40.7	24.1	18.5	11.1	5.6	12.1
		16.2	10.9	8.1	11.8	16.7	
5.		31	26	39	13	6	115
DISAGREE COMPLETELY		27.0	22.6	33.9	11.3	5.2	25.7
		22.8	21.8	31.7	25.5	33.3	
Column Total		136	119	123	51	18	447
		30.4	26.6	27.5	11.4	4.0	100.0

Chi square = 17.87239 with 16 Degrees of freedom Significance = 0.3314

Number of missing observations = 8

percent for Blacks and 36.4 percent for Hispanics). Interestingly, only Hispanics chose "Anglos" (4.5 percent).

[INSERT TABLES 118 TO 122 HERE]

About three-fourths of the respondents (73.5 percent) said "yes" to the question as to whether there are situations when police should shoot to kill--see Table 123. The table shows no significant difference over races.

[INSERT TABLE 123 HERE]

The acceptability of shooting in different circumstances is summarized in Tables 124 to 129. It is most interesting that many citizens feel that an officer has the right to kill "a person who is running away from a serious crime" (Table 124). And that group includes 10.8 percent of the Blacks and 16.8 percent of the Hispanics. The position is counter to state law (Kortum). On the other hand, somewhat over half the respondents feel that an officer does not have the right to kill "a person who is running away from a crime where there is a serious bodily injury" (Table 125). Significant differences over races are found in the cases of ongoing assaults: knife attacks (Tables 126 and 127) and gun threats (Tables 128 and 129). Indeed, 45.6 percent of Blacks think that an officer does not have the right to kill "a person with a knife who is attacking another person" (Table 126) as opposed to 33.6 percent who acknowledge the right. The percentages change to 33.6 percent and 38.9 percent, respectively, when the knife attack is against an officer.

[INSERT TABLES 124 TO 129 HERE]

Responses to the question "...do you think that police officers in Los Angeles....often....sometimes....almost never shoot and kill people when it could be avoided" are shown in Tables 130-134. Table 130 contains the tabulation by sex, Table 131 by race, Table 132 by annual income, Table 133 by fear of neighborhood, and Table 134 by educational level. Race produces

TABLE 118. WHICH GROUP OF POLICE SHOOT MORE
BY SEX OF RESPONDENT

	Count	SEX		Row Total
		MALE	FEMALE	
	Row %			
	Col %	1.	2.	
BLACKS	1.	73	65	138
		52.9	47.1	81.2
		83.0	79.3	
HISPANICS	2.	15	15	30
		50.0	50.0	17.6
		17.0	18.3	
ANGLOS	3.	0	2	2
		0.0	100.0	1.2
		0.0	2.4	
Column Total		88	82	170
		51.8	48.2	100.0

Chi square = 2.25481 with 2 Degrees of freedom Significance = 0.3239

Number of missing observations = 285

TABLE 119. WHICH GROUP OF POLICE SHOOT MORE
BY RACE OF RESPONDENT

	Count	RACE			Row Total
		BLACK	HISPANIC	ANGLO	
Row %	Col %	1.:	2.:	3.:	
BLACKS	1.	64	26	48	138
		46.4	18.8	34.8	81.2
		97.0	59.1	80.0	
HISPANICS	2.	2	16	12	30
		6.7	53.3	40.0	17.6
		3.0	36.4	20.0	
ANGLOS	3.	0	2	0	2
		0.0	100.0	0.0	1.2
		0.0	4.5	0.0	
Column Total		66	44	60	170
		38.8	25.9	35.3	100.0

Chi square = 27.32244 with 4 Degrees of freedom Significance = 0.0000

Number of missing observations = 285

TABLE 120. WHICH GROUP OF POLICE SHOOT MORE
BY ANNUAL INCOME

		Count :											
		Row % :	UNDER	\$10,000-	\$20,000-	\$25,000-	\$30,000	Row					
		Col % :	\$10,000	\$19,999	\$24,999	\$29,999	AND +	Total					
		:	1.:	2.:	3.:	4.:	5.:						
BLACKS	1.	:	22	:	37	:	26	:	7	:	32	:	124
		:	17.7	:	29.8	:	21.0	:	5.6	:	25.8	:	81.0
		:	68.8	:	82.2	:	92.9	:	77.8	:	82.1	:	
HISPANICS	2.	:	8	:	8	:	2	:	2	:	7	:	27
		:	29.6	:	29.6	:	7.4	:	7.4	:	25.9	:	17.6
		:	25.0	:	17.8	:	7.1	:	22.2	:	17.9	:	
ANGLOS	3.	:	2	:	0	:	0	:	0	:	0	:	2
		:	100.0	:	0.0	:	0.0	:	0.0	:	0.0	:	1.3
		:	6.3	:	0.0	:	0.0	:	0.0	:	0.0	:	
Column			32		45		28		9		39		153
Total			20.9		29.4		18.3		5.9		25.5		100.0

Chi square = 11.50612 with 8 Degrees of freedom Significance = 0.1746

Number of missing observations = 302

TABLE 121. WHICH GROUP OF POLICE SHOOT MORE
BY AFRAID OF YOUR NEIGHBORHOOD

		Count	Row %		Row Total
			YES	NO	
		Col %			
			1.:	2.:	
BLACKS	1.	58	80	138	
		42.0	58.0	81.2	
		79.5	82.5		
HISPANICS	2.	14	16	30	
		46.7	53.3	17.6	
		19.2	16.5		
ANGLOS	3.	1	1	2	
		50.0	50.0	1.2	
		1.4	1.0		
Column Total		73	97	170	
		42.9	57.1	100.0	

Chi square = 0.25748 with 2 Degrees of freedom Significance = 0.8792

Number of missing observations = 285

TABLE 122. WHICH GROUP OF POLICE SHOOT MORE
BY EDUCATIONAL LEVEL

		Count :					
		Row %	Row %	Row %	Row %	Row %	Row Total
		Col %	Col %	Col %	Col %	Col %	
		1.:	2.:	3.:	4.:	5.:	
		LESS THAN H.S. GRAD	HIGH SCHOOL GRAD	SOME COLLEGE	COLLEGE GRAD	POST GRAD	
BLACKS	1.	32	31	48	17	10	138
		23.2	22.5	34.8	12.3	7.2	81.2
		71.1	75.6	92.3	81.0	90.9	
HISPANICS	2.	13	8	4	4	1	30
		43.3	26.7	13.3	13.3	3.3	17.6
		28.9	19.5	7.7	19.0	9.1	
ANGLOS	3.	0	2	0	0	0	2
		0.0	100.0	0.0	0.0	0.0	1.2
		0.0	4.9	0.0	0.0	0.0	
Column Total	45	41	52	21	11	170	
	26.5	24.1	30.6	12.4	6.5	100.0	

Chi square = 14.63622 with 8 Degrees of freedom Significance = 0.0666

Number of missing observations = 285

TABLE 123. ARE THERE SITUATIONS WHEN POLICE SHOULD SHOOT
BY RACE OF RESPONDENT

		RACE			
Count :		BLACK	HISPANIC	ANGLO	Row
Row % :					Total
Col % :		1.:	2.:	3.:	
YES	1.	91	97	103	291
		31.3	33.3	35.4	73.5
		70.0	74.6	75.7	
NO	2.	39	33	33	105
		37.1	31.4	31.4	26.5
		30.0	25.4	24.3	
Column Total		130	130	136	396
		32.8	32.8	34.3	100.0

Chi square = 1.24902 with 2 Degrees of freedom Significance = 0.5355

Number of missing observations = 59

TABLE 124. RIGHT TO KILL IF FLEEING FROM SERIOUS CRIME
BY RACE OF RESPONDENT

	Count	RACE			Row Total
		BLACK	HISPANIC	ANGLO	
	Row %	1.	2.	3.	
	Col %				
YES	1.	16	26	25	67
		23.9	38.8	37.3	15.0
		10.8	16.8	17.4	
NO	2.	96	83	84	263
		36.5	31.6	31.9	58.8
		64.9	53.5	58.3	
MAYBE	3.	36	46	35	117
		30.8	39.3	29.9	26.2
		24.3	29.7	24.3	
Column Total		148	155	144	447
		33.1	34.7	32.2	100.0

Chi square = 5.36326 with 4 Degrees of freedom Significance = 0.2520

Number of missing observations = 8

TABLE 125. RIGHT TO KILL IF FLEEING FROM BODY HARM CRIME
BY RACE OF RESPONDENT

	Count	RACE			Row Total
		BLACK	HISPANIC	ANGLO	
	Row %				
	Col %	1.	2.	3.	
YES	1.	23	28	31	82
		28.0	34.1	37.8	18.6
		15.4	18.5	21.8	
NO	2.	87	72	77	236
		36.9	30.5	32.6	53.4
		58.4	47.7	54.2	
MAYBE	3.	39	51	34	124
		31.5	41.1	27.4	28.1
		26.2	33.8	23.9	
Column Total		149	151	142	442
		33.7	34.2	32.1	100.0

Chi square = 6.04435 with 4 Degrees of freedom Significance = 0.1959

Number of missing observations = 13

TABLE 126. RIGHT TO KILL PERSON ATTACKING WITH KNIFE
BY RACE OF RESPONDENT

		RACE			
Count :		BLACK	HISPANIC	ANGLO	Row
Row % :					Total
Col % :		1.:	2.:	3.:	
YES	1.	50	51	71	172
		29.1	29.7	41.3	38.4
		33.6	33.1	49.0	
NO	2.	68	36	41	145
		46.9	24.8	28.3	32.4
		45.6	23.4	28.3	
MAYBE	3.	31	67	33	131
		23.7	51.1	25.2	29.2
		20.8	43.5	22.8	
Column Total		149	154	145	448
		33.3	34.4	32.4	100.0

Chi square = 35.37615 with 4 Degrees of freedom Significance = 0.0000

Number of missing observations = 7

TABLE 127. RIGHT TO KILL PERSON ATTACKING OFFICER WITH KNIFE
BY RACE OF RESPONDENT

		RACE			
Count :		BLACK	HISPANIC	ANGLO	Row
Row % :	Col % :				Total
		1.:	2.:	3.:	
YES	1.	58	68	79	205
		28.3	33.2	38.5	46.1
		38.9	45.0	54.5	
NO	2.	50	25	37	112
		44.6	22.3	33.0	25.2
		33.6	16.6	25.5	
MAYBE	3.	41	58	29	128
		32.0	45.3	22.7	28.8
		27.5	38.4	20.0	
Column		149	151	145	445
Total		33.5	33.9	32.6	100.0

Chi square = 21.37386 with 4 Degrees of freedom Significance = 0.0003

Number of missing observations = 10

TABLE 128. RIGHT TO KILL PERSON THREATENING OFFICER WITH GUN
BY RACE OF RESPONDENT

		RACE			
Count :		BLACK	HISPANIC	ANGLO	Row
Row % :					Total
Col % :		1.:	2.:	3.:	
YES	1.	85	101	80	266
		32.0	38.0	30.1	59.4
		57.0	65.6	55.2	
NO	2.	33	12	31	76
		43.4	15.8	40.8	17.0
		22.1	7.8	21.4	
MAYBE	3.	31	41	34	106
		29.2	38.7	32.1	23.7
		20.8	26.6	23.4	
Column Total		149	154	145	448
		33.3	34.4	32.4	100.0

Chi square = 14.31769 with 4 Degrees of freedom Significance = 0.0063

Number of missing observations = 7

TABLE 129. RIGHT TO KILL PERSON THREATENING ANOTHER WITH GUN
BY RACE OF RESPONDENT

		RACE			
Count :		BLACK	HISPANIC	ANGLO	Row
Row % :					Total
Col % :		1.:	2.:	3.:	
YES	1.	66	77	76	219
		30.1	35.2	34.7	49.1
		44.3	50.7	52.4	
NO	2.	49	21	36	106
		46.2	19.8	34.0	23.8
		32.9	13.8	24.8	
MAYBE	3.	34	54	33	121
		28.1	44.6	27.3	27.1
		22.8	35.5	22.8	
Column	149	152	145	446	
Total	33.4	34.1	32.5	100.0	

Chi square = 18.70675 with 4 Degrees of freedom Significance = 0.0009

Number of missing observations = 9

the only significant differences over rows. The pattern of responses is similar for Anglos and Hispanics, but there are large differences between these categories and blacks for the "often" and "never" responses. For example, 38.2 percent of blacks, as opposed to 12.6 percent of Hispanics, and 8.5 percent of Anglos, think that police officers often shoot and kill people unnecessarily.

[INSERT TABLES 130 TO 134 HERE]

Responses to the opened-ended question as to the main reasons why officers shoot are given in Tables 135-139. There is a clear racial difference in the reasons given. The most frequent reason given by blacks is "panic and fear," while the most frequent reason given by both Anglos and Hispanics is "life threatening." And almost half of the Anglos (47.5 percent) gave a response in that category. The only other significant pattern is shown over the variable "annual income." It is interesting that "prejudice" enters significantly (13.0 percent) only in the responses of the second highest income group.

[INSERT TABLES 135 to 139 HERE]

Table 140 contains a summary of statistical significance levels for various items in the survey over race, sex, age, income level, educational level, and fear of neighborhood. The items are grouped into the categories: General Perceptions of Police, Racial Factors in Police Behavior and Crime, Defensive Posture Because of Fear, Frequency of and Necessity for Police Shooting, and Justification for the Use of Deadly Force.

[INSERT TABLE 140 HERE]

The open-ended responses to Questions 7, 5, and 10 were classified into the categories:

- life threatening situation,
- threat to others,

TABLE 130. POLICE SHOOT OFTEN/SOMETIMES/NEVER

BY SEX

	Count	SEX		Row Total
		MALE	FEMALE	
	Row %			
	Col %			
	Total %			
		1.:	2.:	
OFTEN	1.	42	39	81
		51.9	48.1	19.7
		20.9	18.5	
		10.2	9.5	
SOMETIMES	2.	100	113	213
		46.9	53.1	51.7
		49.8	53.6	
		24.3	27.4	
NEVER	3.	59	59	118
		50.0	50.0	28.6
		29.4	28.0	
		14.3	14.3	
	Column Total	201	211	412
		48.8	51.2	100.0

Chi square = 0.66221 with 2 Degrees of freedom Significance = 0.7

Number of missing observations = 43

TABLE 131. POLICE SHOOT OFTEN/SOMETIMES/NEVER

BY RACE

		RACE				
		Count				
		Row %	BLACK	HISPANIC	ANGLO	Row Total
		Col %				
			1.	2.	3.	
OFTEN	1.	52	17	12	81	
		64.2	21.0	14.8	19.7	
		38.2	12.6	8.5		
		12.6	4.1	2.9		
SOMETIMES	2.	69	69	75	213	
		32.4	32.4	35.2	51.7	
		50.7	51.1	53.2		
		16.7	16.7	18.2		
NEVER	3.	15	49	54	118	
		12.7	41.5	45.8	28.6	
		11.0	36.3	38.3		
		3.6	11.9	13.1		
Column Total		136	135	141	412	
		33.0	32.8	34.2	100.0	

Chi square = 58.38911 with 4 Degrees of freedom Significance = 0.00

Number of missing observations = 43

TABLE 132. POLICE SHOOT OFTEN/SOMETIMES/NEVER
BY ANNUAL INCOME

		Count :					
		Row % :	Col % :	Total % :			Row Total
		UNDER	\$10,000-	\$20,000-	\$25,000-	\$30,000	
		\$10,000	\$19,999	\$24,999	\$29,000	AND +	
		1.:	2.:	3.;	4.:	5.:	
OFTEN	1.	24	22	11	6	9	72
		33.3	30.6	15.3	8.3	12.5	19.8
		24.5	19.5	17.5	26.1	13.4	
		6.6	6.0	3.0	1.6	2.5	
SOMETIMES	2.	46	58	36	11	39	190
		24.2	30.5	18.9	5.8	20.5	52.2
		46.9	51.3	57.1	47.8	58.2	
		12.6	15.9	9.9	3.0	10.7	
NEVER	3.	28	33	16	6	19	102
		27.5	32.4	15.7	5.9	18.6	28.0
		28.6	29.2	25.4	26.1	28.4	
		7.7	9.1	4.4	1.6	5.2	
Column Total	98	113	63	23	67	364	
	26.9	31.0	17.3	6.3	18.4	100.0	

Chi square = 4.73708 with 8 Degrees of freedom Significance = 0.7853

Number of missing observations = 91

TABLE 133. POLICE SHOOT OFTEN/SOMETIMES/NEVER
BY AFRAID OF YOUR NEIGHBORHOOD

		Count :		
		Row % :		
		Col % : YES	NO	Row
		Total % :		Total
		1.:	2.:	
OFTEN	1.	29	52	81
		35.8	64.2	19.7
		18.2	20.6	
		7.1	12.7	
SOMETIMES	2.	93	120	213
		43.7	56.3	51.8
		58.5	47.6	
		22.6	29.2	
NEVER	3.	37	80	117
		31.6	68.4	28.5
		23.3	31.7	
		9.0	19.5	
Column	159	252	411	
Total	38.7	61.3	100.0	

Chi square = 4.96736 with 2 Degrees of freedom Significance = 0.0834

Number of missing observations = 44

TABLE 134. POLICE SHOOT OFTEN/SOMETMES/NEVER
BY EDUCATIONAL LEVEL

	Count	: LESS Row % : THAN Col % : HIGH	1.:	HIGH SCHOOL GRAD.	2.:	SOME COLLEGE	3.:	COLLEGE GRAD	4.:	POST GRAD	5.:	Row Total
OFTEN	1.	20	24.7	22	27.2	28	34.6	9	11.1	2	2.5	81
		16.8	19.6	24.6	19.1	10.5						19.7
SOMETMES	2.	58	27.4	53	25.0	56	26.4	31	14.6	14	6.6	212
		48.7	47.3	49.1	66.0	73.7						51.6
NEVER	3.	41	34.7	37	31.4	30	25.4	7	5.9	3	2.5	118
		34.5	33.0	26.3	14.9	15.8						28.7
Column Total		119 29.0	112 27.3	114 27.7	47 11.4	19 4.6						411 100.0

Chi square = 13.64259 with 8 Degrees of freedom Significance = 0.0916

Number of missing observations = 44

TABLE 135. REASONS POLICE SHOOT -- FIRST MENTIONED

BY SEX

	Count			Row Total
	Row %	MALE	FEMALE	
	Col %	1.	2.	
Total %				
LIFE THREATENING	81	75	156	37.6
	51.9	48.1		
	38.8	36.4		
	19.5	18.1		
THREAT TO OTHERS	17	6	23	5.5
	73.9	26.1		
	8.1	2.9		
	4.1	1.4		
ARMED ASSAILANT	30	29	59	14.2
	50.8	49.2		
	14.4	14.1		
	7.2	7.0		
FLEEING PERSON	5	12	17	4.1
	29.4	70.6		
	2.4	5.8		
	1.2	2.9		
ON DRUGS	0	5	5	1.2
	0.0	100.0		
	0.0	2.4		
	0.0	1.2		
DISOBEYING POLICE	4	7	11	2.7
	36.4	63.6		
	1.9	3.4		
	1.0	1.7		
TRAINED TO SHOOT	7	3	10	2.4
	70.0	30.0		
	3.3	1.5		
	1.7	0.7		
PANIC-FEAR	37	34	71	17.1
	52.1	47.9		
	17.7	16.5		
	8.9	8.2		

TABLE 135. (CONTINUED)

	Count			Row Total
	Row %	MALE	FEMALE	
	Col %	1.	2.	
	Total %			
FEAR MINORITIES		2	1	3
		66.7	33.3	0.7
		1.0	0.5	
		0.5	0.2	
PREJUDICE		4	3	7
		57.1	42.9	1.7
		1.9	1.5	
		1.0	0.7	
TOO MUCH STRESS		2	3	5
		40.0	60.0	1.2
		1.0	1.5	
		0.5	0.7	
HARDENED		1	1	2
		50.0	50.0	0.5
		0.5	0.5	
		0.2	0.2	
ABUSE AUTHORITY		11	9	20
		55.0	45.0	4.8
		5.3	4.4	
		2.7	2.2	
OVER-REACTING		8	18	26
		30.8	69.2	6.5
		3.8	8.7	
		1.9	4.3	
Column Total		209	206	415
		50.4	49.6	100.0

Chi square = 20.63762 with 13 Degrees of freedom .Significance = 0.08

Number of missing observations = 40

TABLE 136. REASONS POLICE SHOOT -- FIRST MENTIONED
BY RACE

	Count				Row Total
	Row %	BLACK	HISPANIC	ANGLO	
	Col %	1.	2.	3.	
	Total %				
LIFE THREATENING		35	55	66	156
		22.4	35.3	42.3	37.6
		24.8	40.7	47.5	
		8.4	13.3	15.9	
THREAT TO OTHERS		9	8	6	23
		39.1	34.8	26.1	5.5
		6.4	5.9	4.3	
		2.2	1.9	1.4	
ARMED ASSAILANT		18	20	21	59
		30.5	33.9	35.6	14.2
		12.8	14.8	15.1	
		4.3	4.8	5.1	
FLEEING PERSON		5	11	1	17
		29.4	64.7	5.9	4.1
		3.5	8.1	0.7	
		1.2	2.7	0.2	
ON DRUGS		2	1	2	5
		40.0	20.0	40.0	1.2
		1.4	0.7	1.4	
		0.5	0.2	0.5	
DISOBEYING POLICE		4	5	2	11
		36.4	45.5	18.2	2.7
		2.8	3.7	1.4	
		1.0	1.2	0.5	
TRAINED TO SHOOT		2	2	6	10
		20.0	20.0	60.0	2.4
		1.4	1.5	4.3	
		0.5	0.5	1.4	
PANIC-FEAR		37	17	17	71
		52.1	23.9	23.9	17.1
		26.2	12.6	12.2	
		8.9	4.1	4.1	

TABLE 136. (CONTINUED)

	Count	Row %	Col %	Row Total
	BLACK	HISPANIC	ANGLO	
	1.	2.	3.	
Total %				
FEAR MINORITIES	0	3	0	3
	0.0	100.0	0.0	0.7
	0.0	2.2	0.0	
	0.0	0.7	0.0	
PREJUDICE	6	1	0	7
	85.7	14.3	0.0	1.7
	4.3	0.7	0.0	
	1.4	0.2	0.0	
TOO MUCH STRESS	1	1	3	5
	20.0	20.0	60.0	1.2
	0.7	0.7	2.2	
	0.2	0.2	0.7	
HARDENED	0	2	0	2
	0.0	100.0	0.0	0.5
	0.0	1.5	0.0	
	0.0	0.5	0.0	
ABUSE AUTHORITY	8	5	7	20
	40.0	25.0	35.0	4.8
	5.7	3.7	5.0	
	1.9	1.2	1.7	
OVER-REACTING	14	4	8	26
	53.8	15.4	30.8	6.3
	9.9	3.0	5.8	
	3.4	1.0	1.9	
Column Total	141	135	139	415
	34.0	32.5	33.5	100.0

Chi square = 62.19721 with 26 Degrees of freedom Significance = 0.0001

Number of missing observations = 40

TABLE 137. REASONS POLICE SHOOT -- FIRST MENTIONED

BY ANNUAL INCOME

	Count					
	Row %					
	Col %	UNDER	\$10,000-	\$20,000-	\$25,000-	\$30,000
	Total %	\$10,000	\$19,999	\$24,999	\$29,999	AND +
		1.	2.	3.	4.	5.
						Row Total
LIFE THREATENING	32	37	27	9	30	135
	23.7	27.4	20.0	6.7	22.2	37.1
	32.0	32.5	44.3	39.1	45.5	
	8.8	10.2	7.4	2.5	8.2	
THREAT TO OTHERS	7	5	4	1	3	20
	35.0	25.0	20.0	5.0	15.0	5.5
	7.0	4.4	8.6	4.3	4.5	
	1.9	1.4	1.1	0.3	0.8	
ARMED ASSAILANT	19	19	8	0	9	55
	34.5	34.5	14.5	0.0	16.4	15.1
	19.0	16.7	13.1	0.0	13.6	
	5.2	5.2	2.2	0.0	2.5	
FLEEING PERSON	6	7	0	0	0	13
	46.2	53.8	0.0	0.0	0.0	3.6
	6.0	6.1	0.0	0.0	0.0	
	1.6	1.9	0.0	0.0	0.0	
ON DRUGS	0	0	3	0	1	4
	0.0	0.0	75.0	0.0	25.0	1.1
	0.0	0.0	4.9	0.0	1.5	
	0.0	0.0	0.8	0.0	0.3	
DISOBEYING POLICE	3	6	0	1	0	10
	30.0	60.0	0.0	10.0	0.0	2.7
	3.0	5.3	0.0	4.3	0.0	
	0.8	1.6	0.0	0.3	0.0	
TRAINED TO SHOOT	0	2	2	0	4	8
	0.0	25.0	25.0	0.0	50.0	2.2
	0.0	1.8	3.3	0.0	6.1	
	0.0	0.5	0.5	0.0	1.1	
PANIC-FEAR	18	19	13	4	11	65
	27.7	29.2	20.0	6.2	16.9	17.9
	18.0	16.7	21.3	17.4	16.7	
	4.9	5.2	3.6	1.1	3.0	

TABLE 137. (CONTINUED)

	Count	Row %	Col %	Total %	1.:	2.:	3.:	4.:	5.:	Row Total
					UNDER \$10,000	\$10,000-\$19,999	\$20,000-\$24,999	\$25,000-\$29,999	\$30,000 AND +	
FEAR MINORITIES	2	66.7	2.0	0.5	1	33.3	0.0	0.0	0.0	3 0.8
PREJUDICE	1	16.7	1.0	0.3	2	33.3	0.0	50.0	0.0	6 1.6
TOO MUCH STRESS	0	0.0	0.0	0.0	2	50.0	0.0	0.0	50.0	4 1.1
HARDENED	1	100.0	1.0	0.3	0	0.0	0.0	0.0	0.0	1 0.3
ABUSE AUTHORITY	7	46.7	7.0	1.9	4	26.7	13.3	6.7	6.7	15 4.1
OVER-REACTING	4	16.0	4.0	1.1	10	40.0	8.0	16.0	20.0	25 6.9
Column Total	100	27.5			114	31.3	61	23	66	364
Total							16.8	6.3	18.1	100.0

Chi square = 84.53603 with 52 Degrees of freedom Significance = 0.002

Number of missing observations = 91

TABLE 138. REASONS POLICE SHOOT -- FIRST MENTIONED
BY AFRAID OF YOUR NEIGHBORHOOD

	Count :		Row Total
	1.:	2.:	
	Count	Count	
	Row %	Row %	
	Col %	Col %	
	Total %	Total %	
	YES	NO	
LIFE THREATENING	57 36.8 35.4 13.8	98 63.2 38.7 23.7	155 37.4
THREAT TO OTHERS	7 30.4 4.3 1.7	16 69.6 6.3 3.9	23 5.6
ARMED ASSAILANT	21 35.6 13.0 5.1	38 64.4 15.0 9.2	59 14.3
FLEEING PERSON	6 35.3 3.7 1.4	11 64.7 4.3 2.7	17 4.1
ON DRUGS	4 80.0 2.5 1.0	1 20.0 0.4 0.2	5 1.2
DISOBEYING POLICE	3 27.3 1.9 0.7	8 72.7 3.2 1.9	11 2.7
TRAINED TO SHOOT	4 40.0 2.5 1.0	6 60.0 2.4 1.4	10 2.4
PANIC-FEAR	36 50.7 22.4 8.7	35 49.3 13.8 8.5	71 17.1

TABLE 138. (CONTINUED)

	Count	Row %	Col %	NO	Row Total
			YES	NO	
			1.:	2.:	
	Total %				
FEAR MINORITIES	2	66.7	1.2	1	3
	0.5	0.7	0.4	0.2	
PREJUDICE	1	14.3	0.6	6	7
	0.2	1.7	1.4	1.4	
TOO MUCH STRESS	1	20.0	0.6	4	5
	0.2	1.2	1.0	1.0	
HARDENED	0	0.0	0.0	2	2
	0.0	0.5	0.8	0.5	
ABUSE AUTHORITY	11	55.0	6.8	9	20
	2.7	4.8	2.2	2.2	
OVER-REACTING	8	30.8	5.0	18	26
	1.9	6.3	4.3	4.3	
Column Total	161	38.9	253	61.1	414
					100.0

Chi square = 17.38773 13 Degrees of freedom Significance = 0.1822

Number of missing observations = 41

TABLE 139. REASONS POLICE SHOOT -- FIRST MENTIONED
BY EDUCATIONAL LEVEL

	Count	LESS	HIGH	SOME	COLLEGE	POST	Row
	Row %	THAN	SCHOOL	COLLEGE	GRAD	GRAD	Total
	Col %	H.S.	GRAD	COLLEGE	GRAD	GRAD	
		1.:	2.:	3.:	4.:	5.:	
PREJUDICE		13 30.2 35.1	9 20.9 25.7	14 32.6 31.1	5 11.6 26.3	2 4.7 20.0	43 29.5
FEAR MINORITIES		3 14.3 8.1	3 14.3 8.6	9 42.9 20.0	4 19.0 21.1	2 9.5 20.0	21 14.4
COMMIT MORE CRIME		5 12.5 13.5	12 30.0 34.3	15 37.5 33.3	5 12.5 26.3	3 7.5 30.0	40 27.4
GANGS		2 33.3 5.4	3 50.0 8.6	1 16.7 2.2	0 0.0 0.0	0 0.0 0.0	6 4.1
MORE PROBLEMS		5 23.8 13.5	6 28.6 17.1	4 19.0 8.9	4 19.0 21.1	2 9.5 20.0	21 14.4
MORE PROVOKING		7 53.8 18.9	2 15.4 5.7	2 15.4 4.4	1 7.7 5.3	1 7.7 10.0	13 8.9
NONE SUPPORT		2 100.0 5.4	0 0.0 0.0	0 0.0 0.0	0 0.0 0.0	0 0.0 0.0	2 1.4
Column Total		37 25.3	35 24.0	45 30.8	19 13.0	10 6.8	146 100.0

Chi square = 25.57605 with 24 Degrees of freedom Significance = 0.3750

Number of missing observations = 309

TABLE 140. SUMMARY OF SIGNIFICANCE LEVEL IN COMMUNITY SURVEY

Question Number	ABBREVIATED QUESTION	RACE	SEX	AGE	INC.	ED.	AFRAID
GENERAL PERCEPTIONS OF POLICE							
2a/b	RATING OF POLICE IN NEIGHBORHOOD	.001	n.s.	.000	.048	n.s.	.010
2b/b	POLICE ARE DOING THE BEST JOB THEY CAN	.000	n.s.	.042	.014	n.s.	n.s.
2b/g	POLICE ARE AFRAID OF PEOPLE IN THE AREA	.000	n.s.	.008	.002	.016	.000
2b/h	POLICE ARE NOT PUNISHED	.000	n.s.	.002	.022	n.s.	n.s.
3	L.A. NEEDS ADDITIONAL POLICE OFFICERS	n.s.	n.s.	n.s.	n.s.	n.s.	n.s.
12	YOU/FAMILY/FRIENDS: CONTACT WITH THE POLICE	.011	n.s.	n.s.	.009	n.s.	n.s.
13	POLICE HANDLE SITUATION PROPERLY	.003	n.s.	n.s.	n.s.	n.s.	n.s.
2b/c	POLICE DESERVE OUR SUPPORT	.000	n.s.	n.s.	.005	.008	.045
2b/f	PEOPLE DON'T TRUST POLICE	.002	n.s.	.002	.039	n.s.	n.s.
RACIAL FACTORS IN POLICE BEHAVIOR AND CRIME							
2b/a	POLICE ARE PREJUDICED AGAINST BLACKS	.000	n.s.	n.s.	.033	.020	n.s.
2b/e	POLICE ARE PREJUDICED AGAINST HISPANICS	.004	n.s.	n.s.	.013	n.s.	n.s.
6	WHICH GROUP DO POLICE SHOOT MORE	.000	n.s.	n.s.	n.s.	n.s.	n.s.
7	REASONS POLICE SHOOT BLACKS/HISPANICS/ ANGLOS MORE						
	A. FIRST MENTIONED	.000	n.s.	.041	n.s.	n.s.	n.s.
	B. SECOND MENTIONED	.037	n.s.	n.s.	.048	n.s.	n.s.
	C. THIRD MENTIONED	n.s.	n.s.	n.s.	n.s.	n.s.	n.s.
	D. FOURTH MENTIONED	NA*	NA	NA	NA	NA	NA
8	WHICH GROUP COMMITS MOST CRIMES	.000	n.s.	n.s.	n.s.	n.s.	n.s.

*NA=Not Ascertained

TABLE 140. SUMMARY OF SIGNIFICANCE LEVEL IN COMMUNITY SURVEY (CONTINUED)

Question Number	ABBREVIATED QUESTION	RACE	SEX	AGE	INC.	ED.	AFRAID
DEFENSE POSTURE BECAUSE OF FEAR							
15	OWN A GUN	.000	.037	n.s.	n.s.	n.s.	n.s.
16	SOMETIMES CARRY A GUN	n.s.	n.s.	n.s.	n.s.	n.s.	n.s.
17	SOMETIMES CARRY A KNIFE	n.s.	.027	n.s.	n.s.	n.s.	n.s.
FREQUENCY OF AND NECESSITY FOR POLICE SHOOTING							
2b/d	POLICE SHOOT WHEN IT CAN BE AVOIDED	.000	n.s.	n.s.	.035	n.s.	n.s.
4	POLICE SHOOT OFTEN/SOMETIMES/NEVER	.000	n.s.	n.s.	n.s.	n.s.	n.s.
5	REASONS POLICE SHOOT						
	A. FIRST MENTIONED	.000	n.s.	n.s.	.003	n.s.	n.s.
	B. SECOND MENTIONED	.000	n.s.	n.s.	n.s.	.013	n.s.
	C. THIRD MENTIONED	n.s.	n.s.	n.s.	n.s.	n.s.	n.s.
	D. FOURTH MENTIONED	NA	NA	NA	NA	NA	NA
9	ARE THERE SITUATIONS WHEN POLICE SHOULD SHOOT	n.s.	n.s.	.009	n.s.	.013	n.s.
10	SITUATIONS WHEN POLICE SHOULD SHOOT						
	A. FIRST MENTIONED	.003	n.s.	n.s.	n.s.	n.s.	n.s.
	B. SECOND MENTIONED	.004	n.s.	n.s.	n.s.	n.s.	n.s.
	C. THIRD MENTIONED	n.s.	n.s.	n.s.	n.s.	n.s.	n.s.
	D. FOURTH MENTIONED	n.s.	n.s.	NA	n.s.	n.s.	n.s.

TABLE 140. SUMMARY OF SIGNIFICANCE LEVEL IN COMMUNITY SURVEY (CONTINUED)

Question Number	ABBREVIATED QUESTION	RACE	SEX	AGE	INC.	ED.	AFRAID
JUSTIFICATION FOR USE OF DEADLY FORCE							
11a	IF REFUSES TO DO WHAT OFFICER ASKS	n.s.	n.s.	n.s.	n.s.	.014	n.s.
11b	IF FLEEING FROM (SERIOUS) CRIME	n.s.	n.s.	n.s.	n.s.	.015	n.s.
11c	UNARMED PERSON ATTACKING ANOTHER	.000	n.s.	.031	n.s.	.004	n.s.
11d	ONE FLEEING FROM BODY HARM CRIME	n.s.	n.s.	n.s.	n.s.	n.s.	n.s.
11e	FLEEING BURGLAR	.006	n.s.	n.s.	n.s.	.008	n.s.
11f	PERSON ATTACKING ANOTHER WITH KNIFE	.000	n.s.	.029	n.s.	n.s.	.008
11g	PERSON ATTACKING OFFICER WITH KNIFE	.000	.017	n.s.	n.s.	n.s.	n.s.
11h	PERSON THREATENING ANOTHER WITH GUN	.001	n.s.	n.s.	n.s.	n.s.	n.s.
11i	PERSON THREATENING OFFICER WITH GUN	.007	.003	n.s.	n.s.	n.s.	n.s.

armed assailant,
 fleeing person,
 disobeying police officer,
 trained to shoot,
 panic-fear,
 fear of minorities,
 prejudice,
 too much stress,
 hardened,
 abuse of authority,
 over-reacting,
 and all others.

The entries in Table 140 under these three items reflect the first response mentioned, the second response mentioned, and so on.

Glancing down the columns of the table, it is clear that the differences over races stand out--indeed, there are few important items in which there are no statistically significant differences over the races. Fear of neighborhood and sex produce few significant differences. Age, income level, and educational level produce clusters of differences.

Another type of summary of responses to the survey is shown in Table 141. This table provides an overview of highlights. The decimals in parentheses following categories of respondents are the significance levels shown in Table 140.

[INSERT TABLE 141 HERE]

Finally, the variables educational level and income level are clearly confounded with the variable race, and so differences found over values of the former two variables are accountable on the basis of the latter one.

TABLE 141. QUICK SUMMARY OF RESULTS: COMMUNITY SURVEY

I. GENERAL PERCEPTIONS OF POLICE

A. RATING OF POLICE IN NEIGHBORHOOD

1. General
 - most (44.2%) rate police as "good"
 - 81.5% rate fair or above
2. Race (.000)
 - Anglos rate police higher
 - Anglos 91.7% (fair or above)
 - Blacks 76.0%
 - Hispanics 77.2%
3. Age (.000)
 - Older respondents more often rate police as excellent or good
 - 65+ 64.8%
 - 50-64 70.0
 - 45-49 62.7
 - 25-44 44.8
 - 16-24 45.4
4. Income (.048)
 - a. the higher the incomes (\$20,000+) the more inclined to rate police as "fair" or better
 - \$30,000 + 89.7%
 - 25,000-29,999 85.8%
 - 20,000-24,999 86.3
 - 10,000-19,999 75.2
 - 0- 9,999 80.4
 - b. 22.7% of \$20,000 to \$24,999 gave excellent rating
 - \$30 + 8.8%
 - 25-29,999 4.8
 - 20-24,999 22.7
 - 10-19,999 7.7
 - 0- 9,999 6.5
5. Afraid of neighborhood (.01)
 - 58.5% of those NOT afraid of their neighborhood rate police as "excellent" or "good" compared to 45.7% of those AFRAID

	<u>AFRAID</u>	<u>NOT AFRAID</u>
Excellent	9.4%	9.4%
*Good	36.3	49.1
Fair	28.1	28.1

B. POLICE ARE DOING THE BEST JOB THEY CAN

1. General
 - 62.6% of total agree completely or a little
2. Race (.000)
 - a. Hispanics and Anglos more often believe police are doing best job they can
 - Anglos 72.9% (completely + a little)
 - Hispanics 66.9
 - Blacks 48.0
 - b. 22.7% of Blacks "disagreed completely"
 - Blacks 22.7%
 - Hispanics 6.4
 - Anglos 6.8

TABLE 141. QUICK SUMMARY OF RESULTS: COMMUNITY SURVEY (continued)

3.	Age (.042)	
	a. Older respondents are more likely to "agree completely" that police are doing the best job they can	
	65+	47.3%
	50-64	43.9
	45-49	40.3
	25-44	26.8
	16-24	34.7
	b. Younger are more likely to disagree a little or completely	
	16-24	29.6%
	25-44	36.0
	45-49	29.2
	50-64	15.1
	65+	12.8
4.	Income (.014)	
	The two "high" income groups more often "agree completely" that police are doing the best job they can	
	\$30 +	51.4%
	25-29,999	52.2
	20-24,999	28.8
	10-19,999	32.5
	0- 9,999	34.5
C.	POLICE DESERVE OUR SUPPORT	
1.	General	
	73.5% agree completely	
	88.8% agree completely or a little	
2.	Race (.000)	
	95.3% Anglos say police deserve our support	
	Anglos	95.3% (completely + a little)
	Hispanics	85.9
	Blacks	85.3
3.	Income (.004)	
	The higher the income (with one reversal) the more likely subject "agrees completely" that police deserve our support	
	\$30 +	91.4
	25-29,999	95.7
	20-24,999	75.8
	10-19,999	70.0
	0- 9,999	65.8
	(agree completely + a little = 95.7%, 100%, 89.4%, 84.2%, 90.1%)	
4.	Education (.008)	
	Those with at least SOME college are more inclined to agree completely or a little that police deserve our support	
	Post grad	94.7%
	College grad	98.1
	Some college	91.0
	H.S. grad	82.6
	less than H.S.	88.4

TABLE 141. QUICK SUMMARY OF RESULTS: COMMUNITY SURVEY (continued)

5. Afraid of neighborhood (.045)
91.7% of those NOT afraid of their neighborhood compared to 83.9% of those AFRAID feel police deserve our support (completely agree + a little).
- D. PEOPLE DON'T TRUST POLICE
1. General
pretty even spread--w/51.5% agreeing completely or a little, 15.8% not sure, and 43.1% disagreeing a little or completely.
 2. Race (.001)
Blacks are slightly more likely to "agree completely" that people don't trust police.

Blacks	29.3%
Hispanics	20.4%
Anglos	21.6%

 (BUT: completely + a little = 54%, 46.7, 52.7)
 3. Age (.001)
16-44 age group more inclined to agree completely that people don't trust police

16-24	32.0%
25-44	29.8
45-49	21.1
50-64	12.1
65+	9.1

 (agree completely or a little = 55.7%, 57.8, 52.1, 39.4, 36.4)
 4. Income (.038)
Except for one reversal, there a monotonic increasing relationship between annual income and percentage "agreeing completely." Interestingly, very nearly the same pattern occurs in the case of "disagree completely."
- E. POLICE ARE AFRAID OF PEOPLE IN THE AREA
1. General
51.1% disagree completely or a little
20.0% not sure
 2. Race (.000)
 - a. Many more blacks and Hispanics claim police ARE afraid... than Anglos

Blacks	34.3% (completely + a little)
Hispanics	37.6
Anglos	14.2
 - b. 63.5% of Anglos disagreed completely

Anglos	63.5%
Blacks	30.2
Hispanics	31.2

 (Completely. + a little = 75.0%, 40.3, 38.8)
 3. Age (.008)
Those respondents 65 years or older are less likely to believe that police are afraid of people in the area

65+	11.0%
50-64	25.8
45-49	26.8
25-44	31.3
16-24	38.7

TABLE 141. QUICK SUMMARY OF RESULTS: COMMUNITY SURVEY (continued)

4.	Income (.002)	
	The two highest income brackets more often "disagree completely" with statement "Police are afraid of people in the area".	
	\$30 +	65.7%
	25-29,999	47.8
	20-24,999	40.9
	10-19,999	36.7
	0- 9,999	33.6
	(Completely + a little = 71.4%, 65.2, 51.5, 46.7, 40.7)	
5.	Education (.016)	
	Those with at least a college degree tend NOT to agree that police are afraid of people in area.	
	(Agree completely + a little)	
	Post grad	5.3%
	College grad	15.7
	Some college	29.3
	H.S. grad	32.5
	Less than H.S.	33.8
	(Disagree completely + a little = 68.4%, 56.9, 49.6, 32.5, 33.1)	
6.	Afraid of Neighborhood (.000)	
	a. 36.6% of those AFRAID of neighborhood agree completely or a little that police are afraid of people in area...compared to 24.1% of those NOT afraid	
	b. 50% of those NOT afraid disagree completely	
	28% of those afraid disagree completely	
F.	POLICE ARE NOT PUNISHED	
1.	General	
	35.8% agree completely or a little	
	29.4% disagree completely or a little	
	34.9% not sure	
2.	Race (.000)	
	Blacks more than Hispanics and Hispanics more than Anglos feel "Police... are not punished for actions that lead to citizens' deaths".	
	Blacks	31.3% (agree completely)
	Hispanics	22.2%
	Anglos	14.3%
	(Completely + a little = 46.6%, 37.9, 22.5)	
3.	Age (.002)	
	50 and above less often state agreement with statement of "Police are not punished..."	
	65+	16.4%
	50-64	18.2
	45-49	36.8
	25-44	40.5
	16-24	50.0

TABLE 141. QUICK SUMMARY OF RESULTS: COMMUNITY SURVEY (continued)

4.	Income (.022)	
	Two "high" groups more often "disagree completely" that police are not punished	
	\$30 +	37.1%
	25-29,999	39.1
	20-24,999	25.0
	10-19,999	17.6
	0- 9,999	14.3
	- (disagree completely + a little = 48.5%, 43.4, 34.4, 26.0, 24.1)	

II. RACE RELATED

A. POLICE ARE PREJUDICED AGAINST HISPANICS

1.	General		
	agree completely	13.7%	32.2%
	agree a little	18.5	
	not sure	27.8	40.1%
	disagree a little	12.1	
	disagree completely	28.0	
2.	Race (.004)		
	a. Blacks and Hispanics believe police are prejudiced against Hispanics more than Anglos		
	Blacks	32.9%	(agree completely + a little)
	Hispanics	37.6	
	Anglos	25.7	
	b. 39.9% Anglos disagree completely		
	Blacks	21.5%	
	Hispanics	22.9%	
3.	Income (.013)		
	The \$0-9,999 group is less inclined to agree completely or a little that police officers are prejudiced against Hispanics		
	\$ 0- 9,999	27.7%	
	10-19,999	38.4	
	20-24,999	34.8	
	25-29,999	34.7	
	30 +	32.9	

B. POLICE ARE PREJUDICED AGAINST BLACKS

1.	General	
	42.9% disagreed a little or completely	
	31.3% were not sure	
2.	Race (.000)	
	Blacks agree more that "Police are prejudiced" against their race	
	Blacks	42.2% (completely + a little)
	Hispanics	16.6
	Anglos	19.0

TABLE 141. QUICK SUMMARY OF RESULTS: COMMUNITY SURVEY (continued)

3. Income (.033)
- a. The 10,000-19,999 and 20-24,999 groups are more likely to agree completely or a little that police are prejudiced against Blacks
- | | |
|-------------|-------|
| \$ 0- 9,999 | 22.4% |
| 10-19,999 | 34.3 |
| 20-24,999 | 33.4 |
| 25-29,999 | 17.3 |
| 30 + | 22.9 |
- b. The higher income groups more often disagree completely
- | | |
|-------------|-------|
| \$ 0- 9,999 | 25.9% |
| 10-19,999 | 20.8 |
| 20-24,999 | 33.3 |
| 25-29,999 | 43.5 |
| 30 + | 41.4 |
- C. WHICH GROUP COMMITS MOST CRIMES
1. General
- | | | |
|-----------|-------|--------------------------|
| Blacks | 63.4% | (B=66.2; H=75.3; A=51.2) |
| Hispanics | 22.9 | |
| Anglos | 13.7 | |
2. Race (.000)
- a. 41.9% Anglos listed Hispanics as committing most crimes
- | | | |
|-----------|-------|--------------------|
| Hispanics | 17.8% | (listed Hispanics) |
| Blacks | 4.4 | (listed Hispanics) |
- b. 29.4% Blacks claimed Anglos committed most crimes, other groups did not agree
- | | |
|-----------|-------|
| Blacks | 29.4% |
| Hispanics | 6.8 |
| Anglos | 7.0 |
- D. WHICH GROUP DO POLICE SHOOT MORE
1. General
- | | |
|-----------|-------|
| Blacks | 81.2% |
| Hispanics | 17.6 |
| Anglos | 1.2 |
2. Race (.000)
- a. 97% of blacks feel their own race was shot more
- | | | |
|-----------|-------|-----------------------|
| Hispanics | 59.1% | said blacks shot more |
| Anglos | 80.0 | |
- b. NO Anglos said Anglos shot more; only 2 of total listed Anglos
- E. REASONS POLICE SHOOT BLACKS/HISPANICS/ANGLOS MORE
1. FIRST MENTIONED
- a. General
- | | |
|-------|--|
| 29.5% | feel prejudice was reason |
| 27.4 | said it is because that group commits more crime |

TABLE 141. QUICK SUMMARY OF RESULTS: COMMUNITY SURVEY (continued)

b. Race (.000)	
1) 49.1% blacks listed prejudice as reason	
Hispanics	25.6%
Anglos	10.0
2) 36% Anglos said it was because "that group" committed more crime	
Hispanics	15.4%
Blacks	28.1
3) Anglos and Hispanics listed "more problems" more than blacks	
Anglos	26.0%
Hispanics	17.9
Blacks	1.8
4) Hispanics much more than the others listed "more provoking"	
Hispanics	20.5%
Blacks	3.5
Anglos	6.0
c. Age (.040)	
The younger groups (49 and below) were slightly more likely to list prejudice as the reason police shoot Blacks/Hispanics/Anglos more--with the 45-49 groups listing it 62.5% of the time	
16-24	21.6%
25-44	26.8
45-49	62.5
50-64	18.8
65+	15.4
2. SECOND MENTIONED	
a. General	
1) Fear Minorities	23.7%
2) More problems	26.3
3) More provoking	21.1
4) Commit more crime	18.4
3. THIRD MENTIONED	
a. General	
1) Life threatening	17.7%
2) Threat to others	14.5
3) Armed assailant	14.5

III. MISCELLANEOUS

A. YOU/FAMILY/FRIENDS: CONTACT WITH POLICE IN PAST YEAR	
1. General	
No	17.6%
Yes	28.4
2. Race (.010)	
More Anglos than any other group had had contact	
Anglos	36.5%
Blacks	20.7
Hispanics	28.0

TABLE 141. QUICK SUMMARY OF RESULTS: COMMUNITY SURVEY (continued)

3.	Income (.009)	
	Two higher income groups more likely to have had contact with police	
	\$30 +	42.9%
	25-29,999	43.5
	20-24,999	28.8
	10-19,999	21.7
	0- 9,999	23.9
B.	POLICE HANDLE SITUATION PROPERLY	
1.	General	
	Yes	61.4%
	No	38.6
2.	Race (.002)	
	Far more Anglos than Hispanics or blacks reported "proper handling"	
	Anglos	79.2%
	Hispanics	47.7
	Blacks	50.0
C.	L.A. NEEDS ADDITIONAL POLICE	
1.	General	
	Yes	86%
	No	14%
IV.	WEAPONS	
A.	OWN A GUN	
1.	General	
	Yes	17.7%
	No	82.3
2.	Race (.000)	
	More blacks than Anglos and more Anglos than Hispanics own guns	
	Blacks	28.6%
	Anglos	15.0
	Hispanics	10.2
B.	SOMETIMES CARRY A GUN	
1.	General	
	Yes	15.9%
	No	79.3
	?	4.9
C.	SOMETIMES CARRY A KNIFE	
1.	General	
	Yes	9.4%
	No	90.6

TABLE 141. QUICK SUMMARY OF RESULTS: COMMUNITY SURVEY (continued)

V. POLICE SHOOTING

A. POLICE SHOOT WHEN IT CAN BE AVOIDED

1. General
 - 38.1% agree completely or a little
 - 37.6% disagree completely or a little
2. Race (.000)
 - a. 55% of blacks say police shoot when it can be avoided
 - Blacks 55.0% (completely + a little)
 - Hispanics 31.4
 - Anglos 27.9
 - b. 42.2% of Anglos disagree completely
 - Blacks 10.1
 - Hispanics 24.8
3. Income (.035)
 - a. The three middle-income groups more often agree completely or a little that police shoot when it can be avoided
 - \$ 0- 9,999 33.7%
 - 10-19,999 43.3
 - 20-24,999 43.1
 - 25-29,999 47.8
 - 30 + 28.5
 - b. 41.4% of highest income group disagrees completely
 - \$ 0- 9,999 20.9%
 - 10-19,999 21.7
 - 20-24,999 29.2
 - 25-29,999 26.1
 - 30 + 41.4

B. POLICE SHOOT OFTEN/SOMETIMES/NEVER

1. General
 - Often 19.7%
 - Sometimes 51.7
 - Never 28.6
2. Race (.000)
 - Much higher percentage of Blacks feel police shoot often
 - Black 38.2%
 - Hispanics 12.6
 - Anglos 8.5

C. ARE THERE SITUATIONS WHEN POLICE SHOULD SHOOT?

1. General
 - Yes 73.5%
 - No 26.5
2. Age (.008)
 - Many more 65 or older people feel that indeed there ARE situations when police should shoot.
 - 65+ 91.3%
 - 50-64 69.8
 - 45-49 61.5
 - 25-44 76.4
 - 16-24 70.2

TABLE 141. QUICK SUMMARY OF RESULTS: COMMUNITY SURVEY (continued)

D. SITUATIONS WHEN POLICE SHOULD SHOOT	
1. FIRST MENTIONED	
a. General	
Life Threatening-other	54.8%
Gun-Officer	24.5
Life Threatening-officer	14.8
b. Race (.003)	
1) More Hispanics than Anglos and more Anglos than blacks list "life threatening-other"	
Hispanics	61.9%
Anglos	55.9
Blacks	46.2
2) Blacks and Anglos more than Hispanics list "life-threatening-officer"	
Blacks	22.0%
Anglos	17.6
Hispanics	5.2
2. SECOND MENTIONED	
a. General	
Life Threatening-officer	52.2%
3. THIRD MENTIONED	
a. General	
Gun-Officer	45.0%
E. REASONS POLICE SHOOT	
1. FIRST MENTIONED	
a. General	
Life-Threatening	37.6%
Panic-Fear	17.1
Armed Assailant	14.2
b. Race (.000)	
1) Blacks list "life-threatening" less often than Hispanics or Anglos	
Blacks	24.8%
Hispanics	40.7
Anglos	47.5
2) Anglos less likely to list fleeing felon	
Anglos	0.7%
Blacks	3.5
Hispanics	8.1
3) Blacks are more likely to believe police shoot out of fear and panic	
Blacks	26.2%
Hispanics	12.6
Anglos	12.2
2. SECOND MENTIONED	
a. General	
Life threatening	26.7%
Threat to others	18.7
Armed assailant	13.9
Over reacting	10.0

TABLE 141. QUICK SUMMARY OF RESULTS: COMMUNITY SURVEY (continued)

b. Race	
1) Blacks list "abuse authority" more	
Blacks	13.8%
Hispanics	2.7
Anglos	5.1
2) Hispanics more often listed "threat to others"	
Hispanics	38.4%
Blacks	3.8
Anglos	16.3
3. THIRD MENTIONED	
a. General	
Life threatening	17.7%
Threat to others	14.5
Armed assailant	14.5
F. RIGHT TO KILL IF REFUSES TO DO WHAT OFFICER ASKS	
1. General	
Yes	2.9%
No	86.7
Maybe	10.3
2. Education (.013)	
3% of those with less than H.S. diploma and 7.6% of those who had graduated from H.S. feel officer had the right to kill one who refuses to do what he asks	
less than H.S.	3.0%
H.S. grad	7.6
Some college	0.0
College grad	0.0
Post grad	0.0
G. RIGHT TO KILL IF FLEEING FROM (SERIOUS) CRIME	
1. General	
Yes	15.0%
No	58.8
Maybe	26.2
2. Education (.015)	
As education level increases, tendency to consider it a right for a police officer to kill one fleeing from a crime decreases	
Less than H.S.	20.0%
H.S. diploma	18.6
Some college	10.7
College grad	9.8
Post grad	0.0
H. RIGHT TO KILL UNARMED PERSON ATTACKING ANOTHER	
1. General	
Yes	6.3%
No	80.2
Maybe	13.5

TABLE 141. QUICK SUMMARY OF RESULTS: COMMUNITY SURVEY (continued)

2.	Race (.000)	
a.	92.6% blacks oppose killing of unarmed person attacking another compared to Hispanics and Anglos	
	Blacks	92.6%
	Hispanics	67.1
	Anglos	81.1
b.	More Hispanics than the other two groups feel that it is justified	
	Hispanics	10.5%
	Blacks	2.7
	Anglos	5.6
I.	RIGHT TO KILL ONE FLEEING FROM BODY HARM CRIME	
1.	General	
	Yes	18.6%
	No	53.4
	Maybe	28.1
J.	RIGHT TO KILL FLEEING BURGLAR	
1.	General	
	Yes	10.5%
	No	70.5
	Maybe	19.0
K.	RIGHT TO KILL PERSON ATTACKING ANOTHER WITH KNIFE	
1.	General	
	Yes	38.4%
	No	32.4
	Maybe	29.2
2.	Race (.000)	
a.	More Anglos say police are justified in killing a person attacking another with a knife	
	Anglos	49.0%
	Blacks	33.6
	Hispanics	33.1
b.	More blacks than other two groups object	
	Blacks	45.6%
	Anglos	28.3
	Hispanics	23.4
L.	RIGHT TO KILL PERSON ATTACKING OFFICER WITH KNIFE	
1.	General	
	Yes	46.1%
	No	25.2
	Maybe	28.8
2.	Race (.000)	
a.	More Anglos than Hispanics and more Hispanics than blacks feel police officer could justifiably shoot one attacking officer with knife	
	Anglos	54.5%
	Hispanics	45.9
	Blacks	38.9

TABLE 141. QUICK SUMMARY OF RESULTS: COMMUNITY SURVEY (continued)

	b.	33.6% blacks opposed	
		Hispanics	16.6%
		Anglos	25.5
3.	Sex (.016)	31% females feel it is not justified to kill person attacking another with knife	
		19.2% males	
M.	RIGHT TO KILL PERSON THREATENING ANOTHER WITH A GUN		
1.	General		
	Yes		49.1%
	No		23.8
	Maybe		27.1
2.	Race (.001)		
	a.	Anglos and Hispanics more than blacks feel police officers are justified in killing another threatening someone with a gun	
		Anglos	52.4%
		Hispanics	50.7
		Blacks	44.3
	b.	32% Blacks were opposed	
		Hispanics	13.8%
		Anglos	24.8
N.	RIGHT TO KILL PERSON THREATENING OFFICER WITH A GUN		
1.	General		
	Yes		59.4%
	No		17.0
	Maybe		23.7
2.	Race (.006)		
	a.	More Hispanics feel police officers are justified in killing one threatening officer with a gun	
		Hispanics	65.6%
		Blacks	57.0
		Anglos	55.2
	b.	Only 7.8% of Hispanics were opposed	
		Blacks	22.1%
		Anglos	21.4
3.	Sex (.003)		
	More females oppose police officer killing one threatening officer with a gun		
	Females		22.8%
	Males		10.9

Consequently, we retested for significance, controlling for race, the responses to all questions where significance differences were obtained for income level and/or educational level (see Table 14). These were:

- Question 2 a/b: Rating of police in neighborhood
- Question 2 b/a: Police are prejudiced against blacks
- Question 2 b/b: Police are doing the best job they can
- Question 2 b/c: Police deserve our support
- Question 2 b/d: Police are doing the best job they can
- Question 2 b/e: Police are prejudiced against hispanics
- Question 2 b/f: People don't trust police
- Question 2 b/g: Police are afraid of people in the area
- Question 2 b/h: Police are not punished
- Question 5 A: First reason why police shoot
- Question 5 B: Second reason why police shoot
- Question 7 B: Second reason why police shoot ___ more
- Question 12: You/family/friends: contact with police

With race controlled, no significant differences were found over either income level or educational level for the responses to the above questions. The preponderant source of differences in response choices is, thus, clear enough.

Racial Aspects of Shootings

As discussed in Volumes II and III of this Report, many writers and orators have argued that police shootings are primarily motivated by racial bigotry. The argument is of the form "police have one gun for blacks and another for whites." Positions in the opposing direction are to the effect that, while blacks are victims of police shootings at higher rates than whites, the phenomenon of frequent black shootings stems, not from bigotry, but from the greater threat to police from blacks. We will explore data related to the two sides of the disagreement in this section.

We start with the data in Table 63 above. Except for Miami, the percentage of blacks shot by police in each city is about 78. That compares with the following percentages of blacks in each city (as determined by Bureaus of the Census, 1980 Census of Population and Housing, Advance Reports): Oakland 46.9, Newark 58.2, Birmingham 55.6, and Miami 25.1.

In Miami, 51.2 percent of shooting opponents were black--while 28.0 percent were Hispanic. The population distribution by race in Miami is as follows: white 66.6 percent, black 25.1 percent. The census report specifies 55.9 percent as Spanish speaking.

As discussed in Volume II, racial distribution in the population is clearly not an optimum basis for evaluating the hypothesis of bigotry in shooting since it ignores the issue of possible differential exposure. Arrest statistics provide a move in a more appropriate direction. Table 142 presents total Part I arrests, by race, over the period 1978-80 for Birmingham and 1977-78 for Oakland. We do not have more recent data for Oakland, and there were no listings of arrest data by race for either Miami or Newark. The proportions over both cities for black and white arrest rates, 76.2

percent and 22.3 percent respectively, are very close to the respective shooting rates (from Table 63) of 78.8 percent and 18.8 percent.

[INSERT TABLE 142 HERE]

Information on the previous criminality of shooting opponents is contained in Table 143. There are no data from Birmingham. Over the three cities, 68.8 percent of the black opponents of officers (whether the officer did or did not shoot) had previous criminal records. The corresponding figures for whites and others (primarily Hispanics) are 58.8 percent and 84.0 percent, respectively. The relatively small entries in the table reflect the difficulty of getting criminal background information on opponents, many of whom were not even identified, and some of whom were juveniles with possibly sealed records.

[INSERT TABLE 143 HERE]

Table 144 presents the physical status of the opponent, as viewed by the officer, by race of opponent. The data are shown for the cities separately and for the cities as a group, summed over shoot and non-shoot conditions. The information is the same as that of Table 60, in short, except for the separation by race.

[INSERT TABLE 144 HERE]

There is clearly an interaction effect over cities that cancels out the race-status effect in the comparison over the four cities. In Newark, blacks are far more likely to be "attacking" than "fleeing" as compared with whites, while the opposite is true in Birmingham, though not to the same extent. The patterns are not significant in the cases of Oakland and Miami, though it is perhaps noteworthy that Hispanics in Miami, as compared with the two other racial groups, are more likely to be "attacking" than "fleeing."

TABLE 142. PART I ARRESTS BY RACE

	<u>Black</u>	<u>White</u>	<u>Other</u>	<u>Total</u>
Birmingham (Years 1978-80)	7880 74.8%	2659 25.2%	- -	10539 100%
Oakland (Years 1977-78)	8503 77.5%	2129 19.4%	342 3.1%	10974 100%
Total	<u>16383</u> 76.2%	<u>4788</u> 22.3%	<u>342</u> 1.5%	<u>21513</u> 100%

TABLE 143. CRIMINAL HISTORIES OF OPPONENTS: SHOOT AND NON-SHOOT SITUATIONS

	<u>Criminal History</u>	<u>Black</u>	<u>White</u>	<u>Other</u>	<u>Total</u>
Oakland	Yes	19	3	3	25
	No	18	3	1	22
Miami	Yes	20	7	14	41
	No	4	3	2	9
Newark	Yes	14	0	4	18
	No	2	1	1	4
Total	Yes	53	10	21	84
	No	24	7	4	35

TABLE 144. SUBJECT'S PHYSICAL STATUS REGARDING OFFICER AT MOMENT OF DECISION TO USE OR NOT TO USE DEADLY FORCE--CLASSIFIED BY RACE OF OPPONENT

<u>Oakland</u>		Count	Row %	Col %	Caucasian	Black	Hispanic	Row Total
					1.	2.	3.	
<u>Circumstance</u>								
	1.	0			4	0		4
Non-Moving		0.0	100.0	0.0				5.6
Non-Controlled		0.0	6.3	0.0				
	2.	0			2	0		2
Non-Moving		0.0	100.0	0.0				2.8
Easily Controlled		0.0	3.2	0.0				
	3.	1			3	0		4
Non-Moving		25.0	75.0	0.0				5.6
Difficult to Control		12.5	4.8	0.0				
	4.	6			29	0		35
Attacking		17.1	82.9	0.0				48.6
		75.0	46.0	0.0				
	5.	1			25	1		27
Fleeing		3.7	92.6	3.7				37.5
		12.5	39.7	100.0				
Column Total		8	63	1				72
		11.1	87.5	1.4				100.0

Chi square = 5.85197 with 8 Degrees of freedom Significance = 0.6638
 Number of missing observations = 4

<u>Miami</u>		Count	Row %	Col %	Caucasian	Black	Hispanic	Row Total
					1.	2.	3.	
<u>Circumstance</u>								
	1.	0			3	1		4
Non-Moving		0.0	75.0	25.0				4.0
Non-Controlled		0.0	5.6	3.4				
	2.	0			1	0		1
Non-Moving		0.0	100.0	0.0				1.0
Easily Controlled		0.0	1.9	0.0				
	3.	0			2	1		3
Non-Moving		0.0	56.7	33.3				3.0
Difficult to Control		0.0	3.7	3.4				
	4.	3			8	8		19
Attacking		15.8	42.1	42.1				18.8
		16.7	14.9	27.6				
	5.	14			40	19		73
Fleeing		19.2	54.8	25.0				72.3
		77.8	74.1	55.5				
	6.	1			0	0		1
In Custody		100.0	0.0	0.0				1.0
		5.6	0.0	0.0				
Column Total		18	54	29				101
		17.8	53.5	28.7				100.0

Chi square = 9.13756 with 10 Degrees of freedom Significance = 0.5144
 Number of missing observations = 3

TABLE 144. SUBJECT'S PHYSICAL STATUS REGARDING OFFICER AT MOMENT OF DECISION TO USE OR NOT TO USE DEADLY FORCE--CLASSIFIED BY RACE OF OPPONENT (continued)

Newark	Count	Race			Row Total	
		Caucasian	Black	Hispanic		
Circumstance	Row %	Col %	1.	2.	3.	
Non-Moving Easily Controlled	2.	0.0	100.0	2.1	0.0	2
Non-Moving Difficult to Control	3.	14.3	50.0	1.1	0.0	2
Attacking	4.	28.6	86.4	80.9	11.4	88
Fleeing	5.	57.1	16.0	15	7	26
Column Total		7	94	17		118
		5.9	79.7	14.4		100.0

Chi square = 18.93380 with 6 Degrees of freedom Significance = 0.0043
 Number of missing observations = 26

Birmingham	Count	Race		Row Total	
		Caucasian	Black		
Circumstance	Row %	Col %	1.	2.	
Non-Moving Non-Controlled	1.	0.0	100.0	3	3
Non-Moving Easily Controlled	2.	33.3	66.7	4	6
Non-Moving Difficult to Control	3.	100.0	0.0	0	1
Attacking	4.	61.3	34.9	37	56
Fleeing	5.	25.8	56.5	60	68
In Custody	6.	3.2	1.9	2	3
Column Total		31	106		137
		22.6	77.4		100.0

Chi square = 13.55416 with 5 Degrees of freedom Significance = 0.0137
 Number of missing observations = 2

TABLE 144. SUBJECT'S PHYSICAL STATUS REGARDING OFFICER AT MOMENT OF
DECISION TO USE OR NOT TO USE DEADLY FORCE--CLASSIFIED BY
BY RACE OF OPPONENT (continued)

All Four Cities

Circumstance	Count	Row %	Col %	Caucasian	Black	Hispanic	Row Total
				1.	2.	3.	
1. Non-Moving Non-Controlled	0	0.0	0.0	10	90.9	1	11
				3.2	2.1		2.6
2. Non-Moving Easily Controlled	2	18.2	3.1	9	81.8	0	11
				2.8	0.0		2.6
3. Non-Moving Difficult to Control	3	30.0	4.7	6	60.0	1	10
				1.9	10.0	2.1	2.3
4. Attacking	30	15.2	46.9	150	75.8	18	198
				47.3	9.1	38.3	46.3
5. Fleeing	27	13.9	42.2	140	72.2	27	194
				44.2	13.9	57.4	45.3
6. In Custody	2	50.0	3.1	2	50.0	0	4
				0.6	0.0	0.0	0.9
Column Total	64	15.0		317	74.1	47	428
						11.0	100.0

Chi square = 11.78648 with 10 Degrees of freedom
Number of missing observations = 37

Significance = 0.2996

Weapons of opponents are shown by racial groupings in Table 145. In every city, blacks have a higher rate of carrying handguns than whites. The difference in Newark is particularly great, though the small number of whites for whom data are available makes the comparison far less than convincing.

[INSERT TABLE 145 HERE]

Weapon of opponent is combined with perceived threat by the officer in the tabulation of Table 146. There are significant chi-squares for Birmingham and for All Four Cities. While 31.3 percent of the white opponents in Birmingham had guns in threatening postures, 66.0 percent of the black opponents were similarly posed. Over all cities, 32.4 percent of whites, 48.3 percent of blacks and 41.4 percent of Hispanics had guns. If one adds the numbers threatening officers with either guns or other deadly weapons, one gets, for the sum over all cities: 53.0 percent of the whites, 59.7 percent of the blacks, and 48.3 percent of the Hispanics.

[INSERT TABLE 146 HERE]

While the overall contingency array is not significant (the number of small expected frequencies makes the test suspect in any event), note the extraordinarily high rate of gun use in a threatening posture by Hispanic opponents in Miami (43.5 percent).

Table 147 contains counts of Extent of Injury of opponent by opponent's race. There is no significant difference for extent of injury over race of opponent using separate city analyses or the grouping of all cities.

[INSERT TABLE 147 HERE]

Briefer summaries of the racial aspects of armed confrontations are presented in Tables 148 to 156. All entries in these tables are percentages computed for a given race in a given city.

[INSERT TABLES 148 TO 156 HERE]

TABLE 145. OPPONENTS' WEAPONS BY RACE

Oakland	Count	Race			Row Total
		Caucasian	Black	Hispanic	
Weapon	1.	2.	3.		
None	2	14	1	17	
	11.8	82.4	5.9	23.6	
Hand Gun	3	32	0	35	
	8.6	91.4	0.0	48.6	
Shot Gun	0	3	0	3	
	0.0	100.0	0.0	4.2	
Long Gun	1	5	0	6	
	16.7	83.3	0.0	8.3	
Knife	2	4	0	6	
	33.3	66.7	0.0	8.3	
Blunt Instrument	0	1	0	1	
	0.0	100.0	0.0	1.4	
Other	0	4	0	4	
	0.0	100.0	0.0	5.6	
Column Total	8	63	1	72	
	11.1	87.5	1.4	100.0	

Chi square = 7.73281 with 12 Degrees of freedom Significance = 0.3056
 Number of missing observations = 4

Birmingham	Count	Race		Row Total
		Caucasian	Black	
Weapon	1.	2.		
None	7	31	38	
	18.4	81.6	27.7	
Hand Gun	13	46	59	
	22.0	78.0	43.1	
Shot Gun	4	10	14	
	28.6	71.4	10.2	
Long Gun	1	1	2	
	50.0	50.0	1.5	
Knife	2	10	12	
	16.7	83.3	8.8	
Blunt Instrument	0	1	1	
	0.0	100.0	0.7	
Other	4	7	11	
	36.4	63.6	2.0	
Column Total	31	106	137	
	22.6	77.4	100.0	

Chi square = 3.25583 with 6 Degrees of freedom Significance = 0.7761
 Number of missing observations = 4

TABLE 145. OPPONENTS' WEAPONS BY RACE (continued)

<u>Miami</u>		Count :				
<u>Weapon</u>	Row % :	Cauca-	Black	Hispanic	Row	
	Col % :	sian			Total	
		1.:	2.:	3.:		
None	1.	8	32	14	54	
		14.8	59.3	25.9	53.5	
Hand Gun	2.	5	16	11	32	
		15.6	50.0	34.4	31.7	
Shot Gun	3.	1	1	1	3	
		33.3	33.3	33.3	3.0	
Long Gun	4.	0	1	0	1	
		0.0	100.0	0.0	1.0	
Knife	5.	1	1	0	2	
		50.0	50.0	0.0	2.0	
Blunt Instrument	6.	0	0	1	1	
		0.0	0.0	100.0	1.0	
Other	7.	4	3	1	8	
		50.0	37.5	12.5	7.9	
		21.1	5.6	3.6		
	Column	19	54	28	101	
	Total	18.8	53.5	27.7	100.0	

Chi square = 12.47098 with 12 Degrees of freedom Significance = 0.4086
 Number of missing observations = 3

<u>Newark</u>		Count :				
<u>Weapon</u>	Row % :	Cauca-	Black	Hispanic	Row	
	Col % :	sian			Total	
		1.:	2.:	3.:		
None	1.	2	18	7	27	
		7.4	66.7	25.9	23.1	
Hand Gun	2.	0	46	4	50	
		0.0	92.0	8.0	42.7	
Shot Gun	3.	2	6	1	9	
		22.2	66.7	11.1	7.7	
Long Gun	4.	0	3	0	3	
		0.0	100.0	0.0	2.6	
Knife	5.	0	14	3	17	
		0.0	82.4	17.6	14.5	
Blunt Instrument	6.	1	7	0	8	
		12.5	87.5	0.0	6.9	
Other	7.	1	1	1	3	
		33.3	33.3	33.3	2.6	
		15.7	1.1	6.3		
	Column	6	95	16	117	
	Total	5.1	81.2	13.7	100.0	

Chi square = 23.99896 with 12 Degrees of freedom Significance = 0.0210
 Number of missing observations = 27

TABLE 145. OPPONENTS' WEAPONS BY RACE (continued)

All Four Cities

Weapon	Count	Row %	Col %	Caucasian	Black	Hispanic	Row Total	
				1.:	2.:	3.:		
None	1.	19	14.0	29.7	95	69.9	22	136
								31.9
Hand Gun	2.	21	11.9	32.8	140	79.5	15	176
								41.2
Shot Gun	3.	7	24.1	10.9	20	69.0	2	29
								6.8
Long Gun	4.	2	16.7	3.1	10	83.3	0	12
								2.8
Knife	5.	5	13.5	7.8	29	78.4	3	37
								8.7
Blunt Instrument	6.	1	9.1	1.6	9	81.8	1	11
								2.6
Other	7.	9	34.6	14.1	15	57.7	2	26
								6.1
Column Total		64	15.0	318	74.5	45	10.5	427
								100.0

Chi square = 19.04501 with 12 Degrees of freedom Significance = 0.0874
 Number of missing observations = 38

TABLE 146. THREAT POSED BY OPPONENT BY RACE OF OPPONENT

<u>Oakland</u>		Count	Row %	Col %	Caucasian	Black	Hispanic	Row Total
<u>Threat</u>					1.	2.	3.	
1.		6	24.0	75.0	19	76.0	0	25
	Gun Use-Threat							52.1
2.		1	16.7	12.5	5	83.3	0	6
	Other Deadly Weapon-Threat							12.5
3.		0	0.0	0.0	2	100.0	0	2
	Other Deadly Weapon-No Threat							4.2
4.		1	8.3	12.5	10	83.3	1	12
	Flight							25.0
5.		0	0.0	0.0	3	100.0	0	3
	Other							6.3
	Column Total	8	16.7		39	81.3	1	48
								100.0

Chi square = 5.45077 with 8 Degrees of freedom Significance = 0.7085
 Number of missing observations = 15

<u>Birmingham</u>		Count	Row %	Col %	Caucasian	Black	Row Total
<u>Threat</u>					1.	2.	
1.		5	13.9	31.3	31	86.1	36
	Gun Use-Threat						57.1
2.		4	57.1	25.0	3	42.9	7
	Other Deadly Weapon-Threat						11.1
3.		0	0.0	0.0	6	100.0	6
	Other Deadly Weapon-No Threat						9.5
4.		1	12.5	6.3	7	87.5	8
	Flight						12.7
5.		6	100.0	37.5	0	0.0	6
	Other						9.5
	Column Total	16	25.4		47	74.6	63
							100.0

Chi square = 25.60954 with 4 Degrees of freedom Significance = 0.0000
 Number of missing observations = 94

TABLE 146. THREAT POSED BY OPPONENT BY RACE OF OPPONENT (continued)

<u>Miami</u>		Count :				Row
Threat	1.	Row % :	Cauca-	Black	Hispanic	Total
		Col % :	asian			
			1.:	2.:	3.:	
	1.	0	7	10		17
		0.0	41.2	52.8		25.4
Gun Use-Threat		0.0	19.4	43.5		
	2.	1	2	0		3
Other Deadly Weapon-Threat		33.3	66.7	0.0		4.5
		12.5	5.6	0.0		
	3.	0	1	1		2
Other Deadly Weapon-No Threat		0.0	50.0	50.0		3.0
		0.0	2.8	4.3		
	4.	4	21	9		34
Flight		11.8	61.8	25.5		50.7
		50.0	58.3	39.1		
	5.	3	5	3		11
Other		27.3	45.5	27.3		16.4
		37.5	13.9	13.0		
Column Total		8	36	23		67
		11.9	53.7	34.3		100.0

Chi square = 11.64640 with 8 Degrees of freedom Significance = 0.1677
 Number of missing observations = 37

<u>Newark</u>		Count :				Row
Threat	1.	Row % :	Cauca-	Black	Hispanic	Total
		Col % :	asian			
			1.:	2.:	3.:	
	1.	0	15	2		17
		0.0	88.2	11.8		50.0
Gun Use-Threat		0.0	55.6	40.0		
	2.	1	7	2		10
Other Deadly Weapon-Threat		10.0	70.0	20.0		29.4
		50.0	25.9	40.0		
	4.	1	2	1		4
Flight		25.0	50.0	25.0		11.3
		50.0	7.4	20.0		
	5.	0	3	0		3
Other		0.0	100.0	0.0		8.8
		0.0	11.1	0.0		
Column Total		2	27	5		34
		5.9	79.4	14.7		100.0

Chi square = 5.84407 with 6 Degrees of freedom Significance = 0.4409
 Number of missing observations = 104

TABLE 146. THREAT POSED BY OPPONENT BY RACE OF OPPONENT

All Four Cities

Threat	Count	Row %	Col %	Caucasian	Black	Hispanic	Row Total
				1.	2.	3.	
Gun Use-Threat	1.	11	72	12	95		
		11.6	75.8	12.6	44.8		
		32.4	48.3	41.4			
Other Deadly Weapon- Threat	2.	7	17	2	26		
		26.9	65.4	7.7	12.3		
		20.6	11.4	6.9			
Other Deadly Weapon- No Threat	3.	0	9	1	10		
		0.0	90.0	10.0	4.7		
		0.0	6.0	3.4			
Flight	4.	7	40	11	58		
		12.1	69.0	19.0	27.4		
		20.6	25.8	37.9			
Other	5.	9	11	3	23		
		39.1	47.8	13.0	10.8		
		26.5	7.4	10.3			
Column Total		34	149	29	212		
		16.0	70.3	13.7	100.0		

Chi square = 17.68429 with 8 Degrees of freedom Significance = 0.0237
 Number of missing observations = 250

TABLE 147. EXTENT OF INJURY OF OPPONENT BY RACE OF OPPONENT

<u>Oakland</u>		<u>Injury</u>				Row Total	
		Count	None	Slight	Serious		Fatal
<u>Race</u>	Row %	Col %	1.:	2.:	3.:	4.:	
	Caucasian	1.		3	0	1	3
			42.9	0.0	14.3	42.9	14.3
			13.6	0.0	12.5	23.1	
Black	2.		18	6	7	10	41
			43.9	14.6	17.1	24.4	83.7
			81.8	100.0	87.5	76.9	
Hispanic	3.		1	0	0	0	1
			100.0	0.0	0.0	0.0	2.0
			4.5	0.0	0.0	0.0	
Column Total			22	6	8	13	49
			44.9	12.2	16.3	26.5	100.0

Chi square = 3.09705 with 6 Degrees of freedom Significance = 0.7966
 Number of missing observations = 3

<u>Birmingham</u>		<u>Injury</u>				Row Total	
		Count	None	Slight	Serious		Fatal
<u>Race</u>	Row %	Col %	1.:	2.:	3.:	4.:	
	Caucasian	1.		11	6	4	4
			44.0	24.0	16.0	16.0	21.6
			17.5	35.3	19.0	26.7	
Black	2.		52	11	17	11	91
			57.1	12.1	18.7	12.1	78.4
			82.5	64.7	81.0	73.3	
Column Total			63	17	21	15	116
			54.3	14.7	18.1	12.9	100.0

Chi square = 2.83269 with 3 Degrees of freedom Significance = 0.4181
 Number of missing observations = 3

TABLE 147. EXTENT OF INJURY OF OPPONENT BY RACE OF OPPONENT (continued)

<u>Miami</u>		<u>Injury</u>				Row Total	
		Count	None	Slight	Serious		Fatal
Race		Row %	Col %	1.:	2.:	3.:	4.:
Caucasian	1.	11	3	2	1	17	
		64.7	17.6	11.8	5.9	21.0	
		21.6	25.0	20.0	12.5		
Black	2.	29	4	2	6	41	
		70.7	9.8	4.9	14.6	50.6	
		56.9	33.3	20.0	75.0		
Hispanic	3.	11	5	6	1	23	
		47.8	21.7	26.1	4.3	28.4	
		21.6	41.7	60.0	12.5		
Column Total		51	12	10	8	81	
Total		63.0	14.8	12.3	9.9	100.0	

Chi square = 10.08326 with 6 Degrees of freedom Significance = 0.1212
 Number of missing observations = 2

<u>Newark</u>		<u>Injury</u>			Row Total	
		Count	None	Serious		Fatal
Race		Row %	Col %	1.:	2.:	4.:
Caucasian	1.	3	2	0	5	
		60.0	40.0	0.0	5.6	
		6.5	6.1	0.0		
Black	2.	35	25	10	70	
		50.0	35.7	14.3	78.7	
		76.1	75.8	100.0		
Hispanic	3.	8	6	0	14	
		57.1	42.9	0.0	15.7	
		17.4	18.2	0.0		
Column Total		46	33	10	89	
Total		51.7	37.1	11.2	100.0	

Chi square = 3.07304 with 4 Degrees of freedom Significance = 0.5457
 Number of missing observations = 24

TABLE 147. EXTENT OF INJURY OF OPPONENT BY RACE OF OPPONENT (continued)

All Four Cities

Race	Count	<u>Injury</u>				Row Total
		None	Slight	Serious	Fatal	
	Row %	1.:	2.:	3.:	4.:	
	Col %					
1. Caucasian	28	9	9	8	54	
	51.9	16.7	16.7	14.8	16.1	
	15.4	25.7	12.5	17.4		
2. Black	134	21	51	37	243	
	55.1	8.6	21.0	15.2	72.5	
	73.6	60.0	70.8	80.4		
3. Hispanic	20	5	12	1	38	
	52.6	13.2	31.6	2.6	11.3	
	11.0	14.3	16.7	2.2		
Column Total	182	35	72	46	335	
	54.3	10.4	21.5	13.7	100.0	

Chi square = 9.39931 with 6 Degrees of freedom Significance = 0.1523

TABLE 148. ZONE CLASSIFICATION AT INCIDENT SCENE BY RACE OF OPPONENT

	C i t y	CAUCASIAN		BLACK		HISPANIC		OTHER	
		S	NS	S	NS	S	NS	S	NS
Commercial	O	28.6	100.0	26.8	39.1	0	0	0	0
	B	56.0	42.9	54.3	80.0	0	0	0	0
	M	58.8	50.0	32.5	8.3	69.6	50.0	0	0
	N	100.0	50.0	37.5	28.6	33.3	100.0	0	0
Industrial	O	14.3	0	7.3	0	0	0	0	0
	B	8.0	0	5.4	0	0	0	0	0
	M	0	0	0	0	4.3	0	0	0
	N	0	0	0	4.8	0	0	0	0
Apartment	O	14.3	0	34.1	30.4	100.0	0	100.0	0
	B	4.0	28.6	18.5	6.7	0	0	0	0
	M	23.5	0	52.5	75.0	17.4	16.7	0	0
	N	0	50.0	45.8	61.9	66.7	0	0	0
Single Family Home	O	42.9	0	29.3	30.4	0	0	0	0
	B	28.0	28.6	10.9	6.7	0	0	0	0
	M	11.8	50.0	15.0	16.7	8.7	16.7	0	0
	N	0	0	4.2	4.8	0	0	0	0
Other	O	0	0	2.4	0	0	0	0	0
	B	4.0	0	10.9	6.7	0	0	0	0
	M	5.9	0	0	0	0	16.7	0	0
	N	0	0	12.5	0	0	0	0	0

TABLE 149. INSIDE: WHAT TYPE OF PLACE BY RACE OF OPPONENT

	C i t y	CAUCASIAN		BLACK,		HISPANIC	
		S	NS	S	NS	S	NS
Apartment	O	0	0	30	42.9	0	0
	B	0	0	15.4	50.0	0	0
	M	0	100.0	100.0	0	0	0
	N	0	50.0	35.7	72.7	100.0	0
House	O	75.0	0	50.0	42.9	0	0
	B	20.0	0	23.1	50.0	0	0
	M	0	0	0	0	0	0
	N	0	0	7.1	0	0	0
Retail Store	O	0	100.0	20.0	0	0	0
	B	20.0	0	30.8	0	0	0
	M	0	0	0	0	100.0	0
	N	0	50.0	14.3	0	0	100.0
Bank	O	25.0	0	0	0	0	0
	B	0	0	0	0	0	0
	M	0	0	0	0	0	0
	N	0	0	7.1	0	0	0
Restaurant/ Bar	O	0	0	0	0	0	0
	B	0	0	0	0	0	0
	M	0	0	0	0	0	0
	N	0	0	21.4	9.1	0	0
Factory- Warehouse	O	0	0	0	0	0	0
	B	20.0	0	0	0	0	0
	M	0	0	0	0	0	0
	N	50.0	0	0	0	0	0
Office	O	0	0	0	0	0	0
	B	20.0	0	7.7	0	0	0
	M	0	0	0	0	0	0
	N	0	0	0	0	0	0
Other	O	0	0	0	14.3	0	0
	B	20.0	0	23.1	0	0	0
	M	100.0	0	0	0	0	0
	N	5.6	0	11.1	18.2	0	0

TABLE 150. OUTSIDE: WHAT TYPE OF PLACE BY RACE OF OPPONENT

	C i t y	CAUCASIAN		BLACK		HISPANIC	
		S	NS	S	NS	S	NS
Roadway	O	0	0	16.1	18.8	100.0	0
	B	25.0	14.3	55.7	69.2	0	0
	M	2.5	50.0	43.6	45.5	72.7	66.7
	N	66.7	30.0	44.2	100.0	72.7	0
Sidewalk	O	0	0	29.0	43.8	0	0
	B	10.0	28.6	15.2	0	0	0
	M	0	0	17.9	18.2	9.1	16.7
	N	0	30.0	23.1	0	9.1	0
Parking Lot	O	33.3	0	29.0	6.3	0	0
	B	30.0	42.9	13.9	30.8	0	0
	M	31.3	0	2.6	0	0	0
	N	33.3	30.0	5.8	0	9.1	0
Park	O	0	0	3.2	0	0	0
	B	0	14.3	1.3	0	0	0
	M	0	0	2.6	0	0	0
	N	0	0	0	0	0	0
Other	O	66.7	0	22.6	0	0	0
	B	35.0	0	13.9	31.3	0	0
	M	6.3	50.0	33.3	36.4	18.2	16.7
	N	0	10.0	26.9	0	9.1	0

TABLE 151. HOUR OF THE DAY BY RACE OF OPPONENT

Time	C i t y	CAUCASIAN		BLACK		HISPANIC	
		S	NS	S	NS	S	NS
0	O	0	0	7.3	0	0	0
	B	12.5	0	11.8	0	0	0
	M	11.8	0	7.3	0	0	0
	N	20.0	0	7.0	0	0	0
1	O	14.3	0	7.3	4.3	0	0
	B	8.3	28.6	6.5	0	0	0
	M	5.9	0	7.3	7.7	9.1	16.7
	N	0	0	8.5	0	6.7	0
2	O	0	0	7.3	0	0	0
	B	12.5	0	4.3	0	0	0
	M	29.4	0	7.3	0	4.5	0
	N	20.0	0	1.4	4.5	6.7	0
3	O	0	0	4.9	4.3	0	0
	B	8.7	0	9.7	14.3	0	0
	M	5.9	0	9.8	0	13.6	16.7
	N	20.0	0	4.2	0	6.7	0
4	O	0	0	2.4	8.7	0	0
	B	0	0	4.3	7.1	0	0
	M	11.8	0	2.4	0	4.5	0
	N	0	33.3	1.4	0	0	0
5	O	0	0	2.4	0	0	0
	B	4.2	0	1.1	0	0	0
	M	0	0	9.8	0	4.5	0
	N	0	0	2.8	0	0	0
6	O	0	0	0	0	0	0
	B	4.2	0	2.2	0	0	0
	M	0	0	0	0	0	0
	N	0	0	0	0	6.7	0
7	O	0	0	0	0	0	0
	B	0	0	0	7.1	0	0
	M	0	0	0	0	0	0
	N	0	0	0	0	0	0

TABLE 151. HOUR OF THE DAY BY RACE OF OPPONENT (continued)

Time	City	CAUCASIAN		BLACK		HISPANIC	
		S	NS	S	NS	S	NS
8	O	0	0	0	8.7	0	0
	B	0	0	1.1	0	0	0
	M	0	0	2.4	0	0	0
9	N	0	0	1.4	0	0	0
	O	0	0	0	0	0	0
	B	0	0	1.1	0	0	0
10	M	0	0	4.9	0	4.5	0
	N	0	0	0	3.7	0	3.7
	O	28.6	0	0	0	0	0
11	B	0	0	0	7.1	0	0
	M	0	0	4.9	7.7	0	16.7
	N	0	0	0	4.5	0	0
12	O	0	0	4.9	0	100.0	0
	B	4.2	0	2.2	0	0	0
	M	11.8	0	4.9	7.7	0	0
13	N	0	0	5.6	0	0	0
	O	0	100.0	2.4	0	0	0
	B	8.3	0	2.2	0	0	0
14	M	0	100.0	0	0	4.5	16.7
	N	0	0	4.2	9.1	13.3	0
	O	0	0	2.4	0	0	0
15	B	0	0	2.2	0	0	0
	M	5.9	0	0	7.7	4.5	0
	N	20.0	0	5.6	13.6	0	0
16	O	0	0	2.4	17.4	0	0
	B	4.2	0	2.2	21.4	0	0
	M	5.9	0	4.9	7.7	0	0
17	N	0	0	4.2	9.1	0	50.0
	O	0	0	4.9	8.7	0	0
	B	0	0	1.1	0	0	0
18	M	0	0	2.4	0	0	0
	N	0	0	4.2	9.1	0	0

TABLE 151. HOUR OF THE DAY BY RACE OF OPPONENT (continued)

Time	C i t y	CAUCASIAN		BLACK		HISPANIC	
		S	NS	S	NS	S	NS
16	O	0	0	0	0	0	0
	B	4.2	0	3.2	7.1	0	0
	M	5.9	0	0	0	4.5	0
	N	0	0	1.4	18.2	6.7	0
17	O	0	0	2.4	0	0	0
	B	0	0	3.2	0	0	0
	M	0	0	2.4	15.4	1.3	0
	N	0	33.3	7.0	0	0	0
18	O	0	0	4.9	0	0	0
	B	8.3	14.3	4.3	0	0	0
	M	0	0	0	7.7	4.5	0
	N	0	0	4.2	0	13.3	0
19	O	14.3	0	12.2	8.7	0	0
	B	0	14.3	5.4	0	0	0
	M	0	0	2.4	0	4.5	16.7
	N	0	33.3	2.8	0	6.7	0
20	O	14.3	0	17.1	17.4	0	0
	B	4.2	0	5.4	0	0	0
	M	0	0	7.3	7.7	4.5	0
	N	0	0	5.6	4.5	6.7	0
21	O	14.3	0	4.9	8.7	0	0
	B	8.3	0	8.6	21.4	0	0
	M	0	0	4.9	15.4	4.5	16.7
	N	20.0	0	9.9	13.6	0	0
22	O	0	0	4.9	0	0	0
	B	4.2	0	11.8	0	0	0
	M	5.9	0	9.8	7.7	4.5	0
	N	0	0	9.9	4.5	6.7	0
23	O	14.3	0	4.9	13.0	0	0
	B	4.2	42.9	6.5	7.1	0	0
	M	0	0	2.4	7.7	13.6	0
	N	0	0	8.5	4.5	20.0	0

TABLE 152. DAY OF THE WEEK BY RACE OF OPPONENT

	C i t y	CAUCASIAN		BLACK		HISPANIC	
		S	NS	S	NS	S	NS
		Monday	O	28.6	0	9.8	8.7
	B	12.0	14.3	8.6	20.0	0	0
	M	23.5	50.0	12.2	0	9.1	0
	N	0	0	24.1	8.3	20.0	0
Tuesday	O	0	100.0	9.8	17.4	0	0
	B	8.0	0	16.1	33.3	0	0
	M	17.6	0	22.0	42.9	0	33.3
	N	0	0	17.2	16.7	0	0
Wednesday	O	0	0	17.1	13.0	0	0
	B	8.0	28.6	14.0	13.3	0	0
	M	17.6	0	12.2	0	22.7	0
	N	0	0	10.3	50.0	20.0	0
Thursday	O	42.9	0	12.2	0	0	0
	B	28.0	14.3	12.9	0	0	0
	M	11.8	0	14.6	14.3	22.7	0
	N	100.0	0	10.3	8.3	20.0	0
Friday	U	0	0	14.6	34.8	0	0
	B	12.0	28.6	16.1	6.7	0	0
	M	11.8	50.0	12.2	0	18.2	0
	N	0	0	20.7	8.3	0	0
Saturday	O	0	0	29.3	17.4	0	0
	B	8.0	0	18.3	26.7	0	0
	M	5.9	0	9.8	0	13.6	33.3
	N	0	0	17.2	0	20.0	0
Sunday	U	28.6	0	7.3	8.7	100.0	0
	B	24.0	14.3	14.0	0	0	0
	M	11.8	0	17.1	42.9	13.6	33.3
	N	0	0	0	8.3	20.0	0

TABLE 153. MONTH OF YEAR BY RACE OF OPPONENT

Month	Opponent	CAUCASIAN		BLACK		HISPANIC	
		S	NS	S	NS	S	NS
		January	O B M N	14.3 0 11.8 0	0 0 0 33.3	17.1 9.7 2.4 8.2	4.3 13.3 7.7 12.5
February	O B M N	0 12.0 0 20.0	0 0 0 33.3	4.9 5.4 12.2 9.6	4.3 13.3 0 29.2	0 0 0 6.7	0 0 16.7 0
March	O B M N	0 12.0 0 0	100.0 14.3 0 0	9.8 7.5 2.4 6.8	8.7 20.0 7.7 12.5	0 0 4.5 6.7	0 0 16.7 0
April	O B M N	28.6 16.0 5.9 20.0	0 0 0 33.3	9.8 7.5 9.8 5.5	8.7 5.7 35.8 15.7	100.0 0 36.4 13.3	0 0 0 50.0
May	O B M N	14.3 8.0 11.8 0	0 14.3 50.0 0	19.5 11.2 7.3 6.8	21.7 0 7.7 0	0 0 4.5 26.7	0 0 0 3.4
June	O B M N	28.6 8.0 0 20.0	0 0 0 0	7.3 11.8 2.4 13.7	4.3 0 7.7 8.3	0 0 13.6 0	0 0 33.3 0
July	O B M N	0 0 5.9 0	0 0 0 0	4.9 4.3 4.9 8.2	0 5.7 0 0	0 0 4.5 20.0	0 0 0 0
August	O B M N	14.3 8.0 23.5 0	0 0 0 0	2.1 10.8 19.5 9.6	17.4 0 0 0	0 0 9.1 0	0 0 16.7 0
September	O B M N	0 16.0 5.9 0	0 0 0 0	9.8 7.5 9.8 13.7	3.7 5.7 0 12.5	0 0 4.5 5.7	0 0 0 0
October	O B M N	0 4.0 5.9 0	0 28.6 0 0	0 7.5 0 2.7	8.7 0 15.4 0	0 0 4.5 0	0 0 16.7 0
November	O B M N	0 0 11.8 20.0	0 29.6 0 0	4.9 7.5 14.5 8.2	13.0 22.0 7.7 0	0 0 0 20.0	0 0 0 0
December	O B M N	0 16.0 17.6 20.0	0 14.3 50.0 0	9.8 8.6 14.5 6.8	0 13.3 15.4 11.2	0 0 0 0	0 0 0 0

TABLE 154. ECONOMIC LEVEL OF NEIGHBORHOOD BY RACE OF OPPONENT

Income Level	City	CAUCASIAN		BLACK		HISPANIC	
		S	NS	S	NS	S	NS
High	O	42.9	100.0	17.1	4.3	0	0
	B	0	0	7.1	0	0	0
	M	13.8	50.0	2.4	8.3	0	0
	N	0	50.0	0	10.5	33.3	0
Average	U	57.1	0	48.8	39.1	0	0
	B	75.0	57.1	45.9	33.3	0	0
	M	68.8	50.0	41.5	8.3	91.3	66.7
	N	100.0	50.0	41.2	21.1	0	100.0
Low	O	0	0	34.1	56.5	0	0
	B	25.0	42.9	47.1	66.7	0	0
	M	12.5	0	56.1	83.3	8.7	33.3
	N	0	0	58.8	68.4	66.7	0

TABLE 155. AGE OF OPPONENT BY RACE OF OPPONENT

	CAUCASIAN		BLACK		HISPANIC	
	S	NS	S	NS	S	NS
1-10 years	0	0	0	1.4	0	0
11-15	0	0	4.3	2.8	5.7	0
16-20	31.9	15.4	21.6	18.1	17.1	50.0
21-25	27.7	7.7	36.5	34.7	42.9	25.0
26-30	17.0	38.5	17.3	15.3	8.6	0
31-40	17.0	15.4	12.5	15.3	20.0	12.5
41-50	4.3	23.1	4.8	6.9	5.7	12.5
51-60	2.1	0	2.4	1.4	0	0
61 and over	0	0	0.5	4.2	0	0

TABLE 156. WORK STATUS BY RACE OF OPPONENT

	CAUCASIAN		BLACK		HISPANIC	
	S	NS	S	NS	S	NS
Professional	0	0	0	0	5.0	0
White Collar	6.3	0	0	0	0	0
Blue Collar	50.0	60.0	36.4	20.8	25.0	50.0
Other	37.5	0	41.8	37.5	45.0	50.0
Unemployed	6.3	40.0	21.8	41.7	25.0	0

The final set of tables dealing with the racial aspects of deadly force encounters takes into consideration the race of officers. Table 157 shows the role of opponent in the (shooting) incident in terms of race of officers, singly and in groups. It seems that officers in groups are more likely to encounter persons in violent crimes, with a slightly higher likelihood if at least one of the officers is black.

[INSERT TABLE 157 HERE]

Table 158 shows racial distribution of officers in terms of status of opponent for shooting incidents. Black officers, singly and in groups, encountered "attacking" opponents at substantially higher rates than white officers. And the black officers shot at fleeing opponents less than white officers.

[INSERT TABLE 158 HERE]

Table 159 presents the racial distribution of officers in terms of weapon of opponent. While there were only three instances of shootings with more than one black officer, it is perhaps noteworthy that in all three cases the opponent had a handgun. For officers acting singly, 43.2 percent of the opponents of white officers had no weapons, 33.3 percent of the opponents of black officers had none.

[INSERT TABLE 159 HERE]

The extent of injury of opponent in terms of race of officers is shown in Table 160. There does seem to be a tendency for black officers and for multiply acting officers to produce serious or fatal injury; the latter (as well, perhaps, as the former) may result from more dangerous incidents.

[INSERT TABLE 160 HERE]

Table 161 shows the interaction effects of race of officer and race of opponent. The three shootings of multiple black officers were against black

TABLE 157. RACIAL DISTRIBUTION OF OFFICERS IN SHOOTING INCIDENT RELATED TO ROLE OF OPPONENT IN INCIDENT

Count :		Single	Single	Multiple	White-	Multiple	Row
Row % :	Single	Black	White	Black	Black	Black	Total
Col % :	White	Black	White	Black	Black	Black	Total
	1.:	2.:	3.:	4.:	5.:		
Opponent's Role							
2.	2	0	0	0	0	0	2
Bystander	100.0	0.0	0.0	0.0	0.0	0.0	0.6
	1.0	0.0	0.0	0.0	0.0	0.0	
	0.6	0.0	0.0	0.0	0.0	0.0	
3.	10	3	4	0	1		18
Suspicious Person	55.6	16.7	22.2	0.0	5.6		5.6
	5.0	5.7	6.7	0.0	33.3		
	3.1	0.9	1.2	0.0	0.3		
4.	3	1	1	0	0		5
Mentally Disturbed Person	60.0	20.0	20.0	0.0	0.0		1.5
	1.5	1.9	1.7	0.0	0.0		
	0.9	0.3	0.3	0.0	0.0		
5.	4	3	0	0	0		7
Person Under Influence-Alcohol	57.1	42.9	0.0	0.0	0.0		2.2
	2.0	5.7	0.0	0.0	0.0		
	1.2	0.9	0.0	0.0	0.0		
6.	3	0	0	0	0		3
Person Under Influence-Drugs	100.0	0.0	0.0	0.0	0.0		0.9
	1.5	0.0	0.0	0.0	0.0		
	0.9	0.0	0.0	0.0	0.0		
7.	8	2	1	0	0		11
Traffic Violator	72.7	18.2	9.1	0.0	0.0		3.4
	4.0	3.8	1.7	0.0	0.0		
	2.5	0.6	0.3	0.0	0.0		
8.	84	29	33	4	2		152
Person Committing Violent Crime	55.3	19.1	21.7	2.6	1.3		47.1
	42.0	54.7	55.0	57.1	66.7		
	26.0	9.0	10.2	1.2	0.6		
9.	69	9	14	1	0		93
Person Committing Property Crime	74.2	9.7	15.1	1.1	0.0		28.8
	34.5	17.0	23.3	14.3	0.0		
	21.4	2.8	4.3	0.3	0.0		
10.	17	5	6	2	0		30
Other	56.7	16.7	20.0	6.7	0.0		9.3
	8.5	9.4	10.0	28.6	0.0		
	5.3	1.5	1.9	0.6	0.0		
11.	0	1	1	0	0		2
Person Under Influence-Alcohol and Drugs	0.0	50.0	50.0	0.0	0.0		0.6
	0.0	1.9	1.7	0.0	0.0		
	0.0	0.3	0.3	0.0	0.0		
Column Total	200	53	60	7	3		323
	61.9	16.4	18.6	2.2	0.9		100.0

Chi square = 30.45595 with 35 Degrees of freedom Significance = 0.7295
 Number of missing observations = 44

TABLE 158. RACIAL DISTRIBUTION OF OFFICERS IN SHOOTING INCIDENT RELATED TO PHYSICAL STATUS REGARDING OFFICER AT MOMENT OF USE OF FORCE

Physical Status	Count	Single		Multiple		Row Total
		White	Black	White	Black	
Row %	Col %	1.:	2.:	3.:	4.:	5.:
Non-Moving Non-Controlled	4	0	1	0	0	5
	80.0	0.0	20.0	0.0	0.0	1.6
	2.0	0.0	1.7	0.0	0.0	
	1.3	0.0	0.3	0.0	0.0	
Non-Moving Easily Controlled	3	0	0	0	0	3
	100.0	0.0	0.0	0.0	0.0	0.9
	1.5	0.0	0.0	0.0	0.0	
	0.9	0.0	0.0	0.0	0.0	
Non-Moving Difficult to Control	1	2	0	0	0	3
	33.3	66.7	0.0	0.0	0.0	0.9
	0.5	4.0	0.0	0.0	0.0	
	0.3	0.6	0.0	0.0	0.0	
Attacking	83	32	25	3	2	145
	57.2	22.1	17.2	2.1	1.4	45.7
	42.1	64.0	41.7	42.9	66.7	
	26.2	10.1	7.9	0.9	0.6	
Fleeing	105	15	34	4	1	159
	66.0	9.4	21.4	2.5	0.6	50.2
	53.3	30.0	56.7	57.1	33.3	
	33.1	4.7	10.7	1.3	0.3	
In Custody	1	1	0	0	0	2
	50.0	50.0	0.0	0.0	0.0	0.6
	0.5	2.0	0.0	0.0	0.0	
	0.3	0.3	0.0	0.0	0.0	
Column Total	197	50	60	7	3	317
	62.1	15.8	18.9	2.2	0.9	100.0

Chi square = 20.90298 with 20 Degrees of freedom Significance = 0.4029
 Number of missing observations = 50

TABLE 159. RACIAL DISTRIBUTION OF OFFICERS IN INCIDENT RELATED TO TYPE OF WEAPON USED BY OPPONENT

Weapon	Count	Row %					Row Total
		Single White	Single Black	Multiple White	Multiple Black	Multiple Black	
		1.:	2.:	3.:	4.:	5.:	
None	1.	83	17	15	2	0	117
		70.9	14.5	12.8	1.7	0.0	37.5
		43.2	33.3	25.4	28.6	0.0	
		26.6	5.4	4.8	0.6	0.0	
Hand Gun	2.	59	19	27	2	3	110
		53.6	17.3	24.5	1.8	2.7	35.3
		30.7	37.3	45.8	28.6	100.0	
		18.9	6.1	8.7	0.6	1.0	
Shot Gun	3.	8	1	5	1	0	15
		53.3	6.7	33.3	6.7	0.0	4.8
		4.2	2.0	8.5	14.3	0.0	
		2.6	0.3	1.6	0.3	0.0	
Long Gun	4.	3	1	1	1	0	6
		50.0	16.7	16.7	16.7	0.0	1.9
		1.6	2.0	1.7	14.3	0.0	
		1.0	0.3	0.3	0.3	0.0	
Knife	5.	21	5	5	1	0	32
		65.6	15.6	15.6	3.1	0.0	10.3
		10.9	9.8	8.5	14.3	0.0	
		6.7	1.6	1.6	0.3	0.0	
Blunt Instrument	6.	3	5	0	0	0	8
		37.5	62.5	0.0	0.0	0.0	2.6
		1.6	9.8	0.0	0.0	0.0	
		1.0	1.6	0.0	0.0	0.0	
Other	7.	15	3	6	0	0	24
		62.5	12.5	25.0	0.0	0.0	7.7
		7.8	5.9	10.2	0.0	0.0	
		4.8	1.0	1.9	0.0	0.0	
Column Total		192	51	59	7	3	312
		61.5	16.3	18.9	2.2	1.0	100.0

Chi square = 37.15945 with 24 Degrees of freedom Significance = 0.0422
 Number of missing observations = 55

TABLE 160. RACIAL DISTRIBUTION OF OFFICERS IN INCIDENT RELATED TO EXTENT OF INJURY TO OPPONENT

Extent of Opponent Injury	Count	Single		Multiple		Row Total	
		White	Black	White	Black		
Col %	1.	2.	3.	4.	5.		
None	1.	118	29	21	3	2	173
	Row %	68.2	16.8	12.1	1.7	1.2	54.7
	Col %	60.5	55.8	35.6	42.9	66.7	
	Col %	37.3	9.2	6.6	0.9	0.6	
Slight	2.	19	3	11	0	0	33
	Row %	57.6	9.1	33.3	0.0	0.0	10.4
	Col %	9.7	5.8	18.6	0.0	0.0	
	Col %	6.0	0.9	3.5	0.0	0.0	
Serious	3.	34	11	17	4	1	67
	Row %	50.7	16.4	25.4	6.0	1.5	21.2
	Col %	17.4	21.2	28.8	57.1	33.3	
	Col %	10.8	3.5	5.4	1.3	0.3	
Fatal	4.	24	9	10	0	0	43
	Row %	55.8	20.9	23.3	0.0	0.0	13.6
	Col %	12.3	17.3	16.9	0.0	0.0	
	Col %	7.6	2.8	3.2	0.0	0.0	
Column Total	195	52	59	7	3	316	
	61.7	16.5	18.7	2.2	0.9	100.0	

Chi square = 21.42937 with 12 Degrees of freedom Significance = 0.0444
 Number of missing observations = 51

opponents, and 86.7 percent of the black officers shot black opponents. Neither is surprising given likely locales of assignment. But, and this is too often ignored, if assignment is used in accounting for black on black shootings, a similar construct becomes applicable in many or most white on black shootings. One too often finds explanations of frequent black on black shootings on the basis of assignment, and, simultaneously, white on black shootings on the basis of discrimination.

[INSERT TABLE 161 HERE]

Finally, Tables 162 to 164 contain summaries of the interaction effect of race of officer and race of opponent for physical status of opponent, weapon of opponent, and extent of injury of opponent, respectively. They are, in short, decompositions, on the basis of race of officer, for the data previously shown in Tables 144, 145, and 147, respectively. The entries are percentages for a given race of opponent and race of officer over given classification of table.

[INSERT TABLES 162 TO 164 HERE]

Time-Series Analyses

Policy changes within a police department, in general, are made in order to change or alter certain performance characteristics within the department. It is generally believed that a change in police department policy will effect subsequent actions/performance within the department.

In this section we will investigate the extent to which the rate of use of deadly force within a department is altered when a new shooting policy with effective modes of enforcement is introduced. The question to be answered: Does the flow of month-to-month shooting rates show a pattern-change (interruption) at the time of policy introduction?

TABLE 161. RACIAL DISTRIBUTION OF OFFICERS IN INCIDENT RELATED TO RACE OF OPPONENT

Race of Opponent	Count	Col %					Row Total
		Single White	Single Black	Multiple White	White-Black	Multiple Black	
		1.:	2.:	3.:	4.:	5.:	
Caucasian	1.	34	4	9	1	0	48
		70.8	8.3	18.8	2.1	0.0	15.6
		17.5	8.9	15.5	14.3	0.0	
		11.1	1.3	2.9	0.3	0.0	
Black	2.	139	39	40	6	3	227
		61.2	17.2	17.6	2.6	1.3	73.9
		71.6	86.7	69.0	85.7	100.0	
		45.3	12.7	13.0	2.0	1.0	
Hispanic	3.	20	2	7	0	0	29
		69.0	6.9	24.1	0.0	0.0	9.4
		10.3	4.4	12.1	0.0	0.0	
		6.5	0.7	2.3	0.0	0.0	
Asian	4.	1	0	0	0	0	1
		100.0	0.0	0.0	0.0	0.0	0.3
		0.5	0.0	0.0	0.0	0.0	
		0.3	0.0	0.0	0.0	0.0	
Other	6.	0	0	2	0	0	2
		0.0	0.0	100.0	0.0	0.0	0.7
		0.0	0.0	3.4	0.0	0.0	
		0.0	0.0	0.7	0.0	0.0	
Column Total		194	45	58	7	3	307
		63.2	14.7	18.9	2.3	1.0	100.0

Chi square = 15.83582 with 16 Degrees of freedom Significance = 0.4645
 Number of missing observations = 60

TABLE 162. PHYSICAL STATUS OF OPPONENT BY RACE OF OFFICER

	OPP. RACE	CAUCASIAN		BLACK		HISPANIC	
		S	NS	S	NS	S	NS
Non-Moving Non-Controlled	C	0	0	0	0	0	0
	B	2.6	8.2	0	0	0	0
	H	2.8	0	0	0	9.1	0
Non-Moving Easily Controlled	C	0	16.7	0	0	0	0
	B	1.3	6.6	0	8.3	0	33.3
	H	0	0	0	0	0	0
Non-Moving Difficult to Control	C	2.0	16.7	0	0	0	0
	B	0	3.3	4.0	0	0	0
	H	0	12.5	0	0	0	0
Attacking	C	47.1	58.3	60.0	0	40.0	0
	B	42.2	57.4	58.0	50.0	11.1	33.3
	H	30.6	37.5	100.0	0	63.6	0
Fleeing	C	51.0	8.3	20.0	0	40.0	0
	B	53.4	19.7	38.0	41.7	88.9	33.3
	H	66.7	50.0	0	0	27.3	0
In Custody	C	0	0	20.0	0	20.0	0
	B	0.4	4.9	0	0	0	0
	H	0	0	0	0	0	0

TABLE 163. OPPONENT'S WEAPON BY RACE OF OFFICER

	OPP. RACE	CAUCASIAN		BLACK		HISPANIC	
		S	NS	S	NS	S	NS
None	C	34.0	8.3	40.0	0	20.0	0
	B	36.7	9.4	23.1	18.2	62.5	0
	H	50.0	28.6	100.0	0	27.3	0
Hand Gun	C	30.0	66.7	20.0	0	20.0	0
	B	37.1	64.1	48.1	72.7	12.5	66.7
	H	32.4	71.4	0	0	18.2	0
Shot Gun	C	10.0	16.7	0	100.0	0	0
	B	5.7	14.1	0	0	0	0
	H	2.9	0	0	0	36.4	0
Long Gun	C	6.0	0	0	0	0	0
	B	2.2	6.3	3.8	0	0	33.3
	H	0	0	0	0	0	0
Knife	C	6.0	8.3	0	0	20.0	0
	B	9.6	4.7	11.5	9.1	0	0
	H	8.8	0	0	0	0	0
Blunt Instrument	C	0	0	0	0	20.0	0
	B	1.3	1.6	9.6	0	0	0
	H	0	0	0	0	9.1	0
Other	C	14.0	0	40.0	0	20.0	0
	B	7.4	0	3.8	0	12.5	0
	H	5.9	0	0	0	9.1	0

TABLE 164. EXTENT OF INJURY OF OPPONENT BY RACE OF OFFICER

	OPP. RACE	CAUCASIAN		BLACK		HISPANIC	
		S	NS	S	NS	S	NS
None	C	46.2	91.7	60.0	0	60.0	0
	B	50.9	85.9	55.8	83.3	75.0	66.7
	H	45.7	87.5	50.0	0	72.7	0
Slight	C	19.2	0	0	100.0	20.0	0
	B	8.8	9.4	5.8	16.7	25.0	3.3
	H	20.0	12.5	0	0	0	0
Serious	C	21.2	8.3	20.0	0	0	0
	B	22.8	0	23.1	0	0	0
	H	31.4	0	50.0	0	27.3	0
Fatal	C	13.5	0	20.0	0	20.0	0
	B	17.5	4.7	15.4	0	0	0
	H	2.9	0	0	0	0	0

Several patterns of change in shooting rates can be hypothesized. The change or interruption can be:

- (a) in level, like 5,4,3,4,2,5 shootings per months prior to policy introduction and 2,1,3,0,1,0 after,
- (b) in trend like 2,3,4,5,5,6 before and 6,5,4,4,5,3 after,
- (c) continuous, in the sense of not decaying over time, or discontinuous or temporary,
- (d) immediate or delayed, with a lag of one month, two months, or even more.

There are various threats to internal validity--that is, there are many sources of alternative plausible hypotheses that must be guarded against. For example, the change in policy may have been an immediate response to extreme community distress and any change in the series of observations may have resulted from the community distress rather than from the change in policy. Other threats to internal validity are seasonal trends, incidental historical events, changes in methods of measurement or recording events, and general cyclic variation.

To rule out alternative plausible hypotheses for the time-series effect as much as possible we proceeded in data collection as follows. First, all shooting data were collected in each of the four cities for at least a four-year period of time. The use of the extended period allowed for detecting seasonal and other cyclic characteristics. Second, we collected data for all four cities which provides for control of historical artifacts that are not geographically localized. Third, for each city we collected the monthly series such that the methods of measurement and recording data had not changed at any time subsequent to the introduction of the treatment. Table 1 shows the monthly shooting databases obtained in each of the four cities. As can

be readily noted, in some cities we were more successful in obtaining a longer period of monthly data than in other cities. In addition, in Miami, there was no deadly force policy change enacted during the time period investigated. The analysis in Table 165 does not, therefore, include Miami.

[INSERT TABLE 165 HERE]

For statistical analyses of time-series data, programs are available for auto-regressive integrated moving average models (Box and Jenkins, 1976). These models conceive of time-series data in terms of the deterministic component (the "time" or non-error structure) and the stochastic component. The stochastic component has a systematic part that accounts for autocorrelation plus an unsystematic part. A major aspect of statistical analysis is discovery and removal of the systematic part, leaving the unsystematic part for handling by the usual methods of inferential statistics.

The model is specified by identifying the systematic part of the stochastic components, and then estimating parameters. For example, a model that describes a time-series where observation at time t , Y_t , depends upon preceding observation, Y_{t-1} , and where there is a persistent random shock from one observation to the next is of the form

$$Y_t = \phi_{t-1} - \theta a_{t-1} + a_t$$

The parameters to be estimated are ϕ and θ . Assuming that the model proves adequate in subsequent tests (if not, it is revised), we move to the intervention hypothesis test. The essential goal is to establish whether predictability of the entire time-series is improved by accounting in the model for the intervention. The process determines whether a statistically significant change took place in the series at a given point--one, in short, accepts or rejects the null hypothesis of no intervention effect. The null hypothesis

TABLE 165. MONTHLY SHOOTING DATABASES IN FOUR TARGET CITIES

City	Time Period	Number of Months	Date of Policy
Birmingham, AL	8/77-6/81	47	July, 1980
Miami, FL	1/70-11/79	119	May, 1980
Oakland, CA	1/70-8/80	128	August, 1977
Newark, NJ	1/76-6/80	54	February, 1978

is that policy specification and enforcement do not change subsequent shooting rates.

The shooting rates for the three cities were analyzed with respect to three sources of "noise" which could obscure the intervention: trend, seasonality, and random error. AutoRegressive Integrated Moving Average (ARIMA) models account for all three types of "noise." Each time series can be characterized by a specific ARIMA(p,d,q) model. Identification refers to the empirical parameters (the most appropriate values for p (autoregression), d (integration or differencing), and q (moving average) for a given time series). Two criteria must be met before a model is judged as adequate: 1) no spikes at lag 1 and the seasonal lags of the ACF and PACF, and 2) the Q-statistic is not significant.

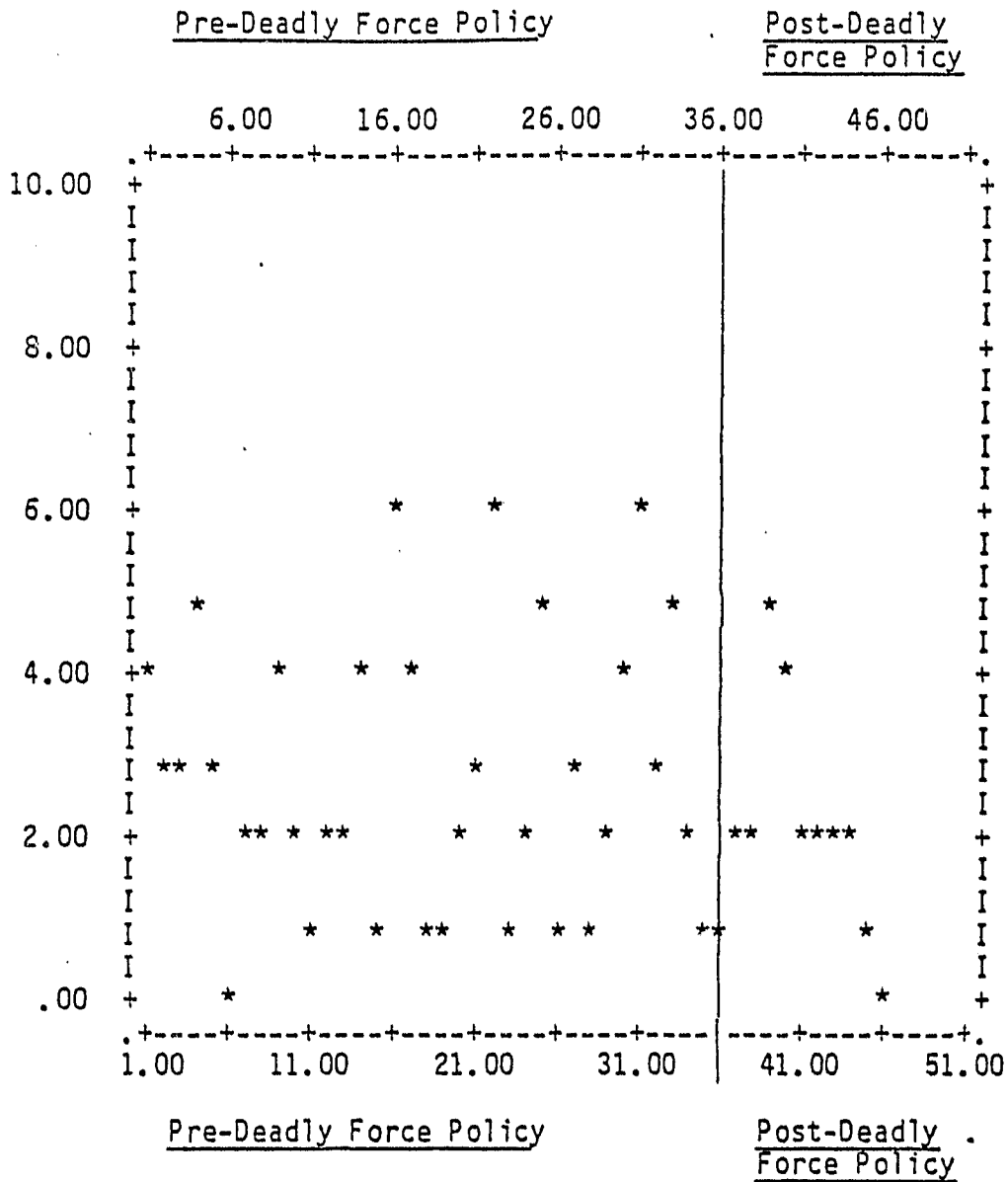
Monthly shooting rates in Newark, Oakland, and Birmingham were determined to be ARIMA (0,0,0) models. In other words, all three types of "noise" were not found to be present in the original data. With 24 degrees of freedom, the Q-statistics for these time series were the following: Newark, Q=12.615; Oakland, Q=23.19; Birmingham, Q=14.57. Hence, the values for the structural parameters for the noise component of the intervention equation for these three cities were all equal to 0.

The absence of "noise" in the monthly shooting rates of the three cities indicates that we can use the original data points in the intervention analyses since no corrections are necessary for trend, seasonality, and random error.

The individual monthly distributions of police shootings are shown in Graphs I-III with the "treatment" (change in deadly force policy) indicated.

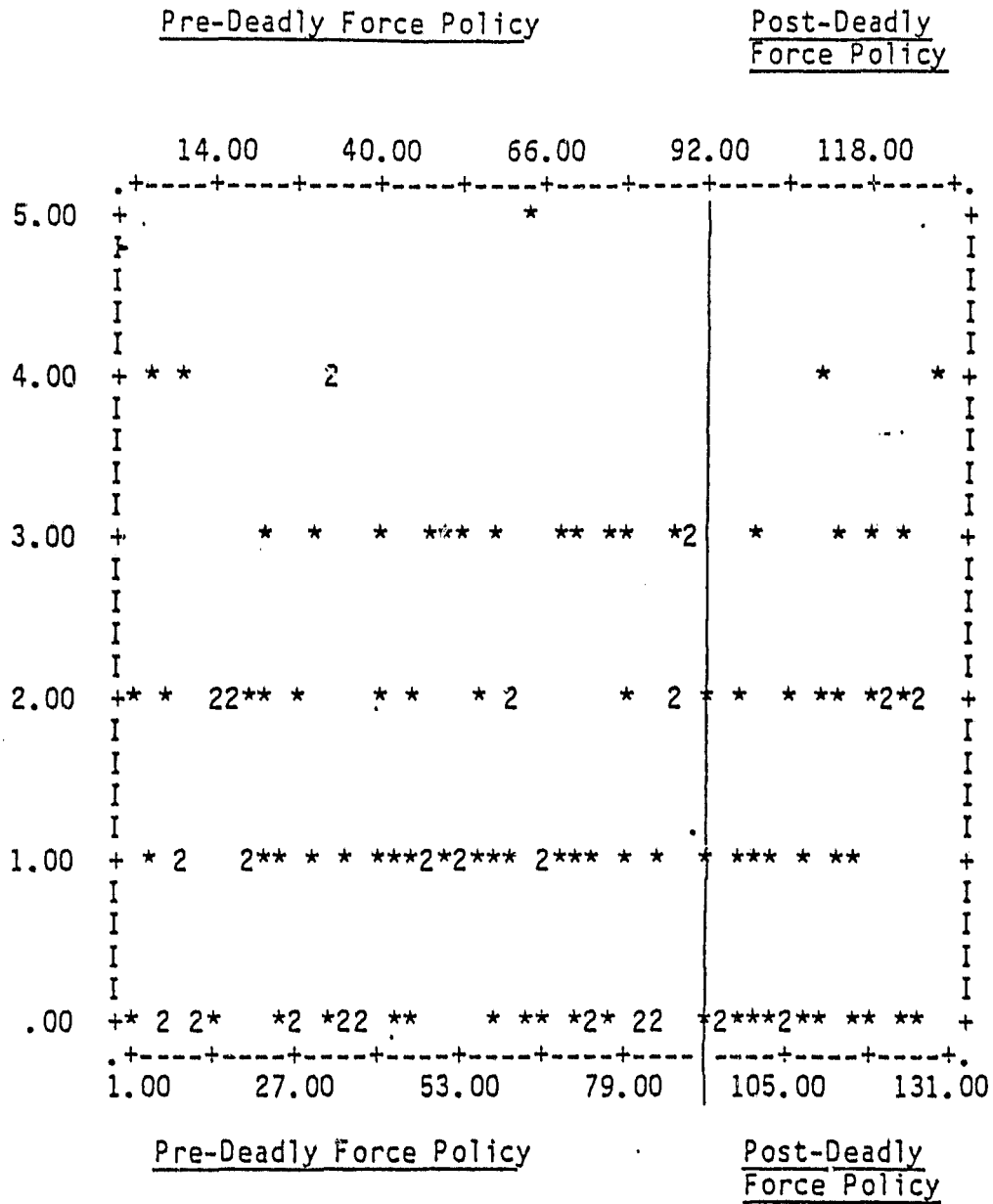
[INSERT FIGURES I to III HERE]

FIGURE I. TOTAL MONTHLY SHOOTINGS IN BIRMINGHAM



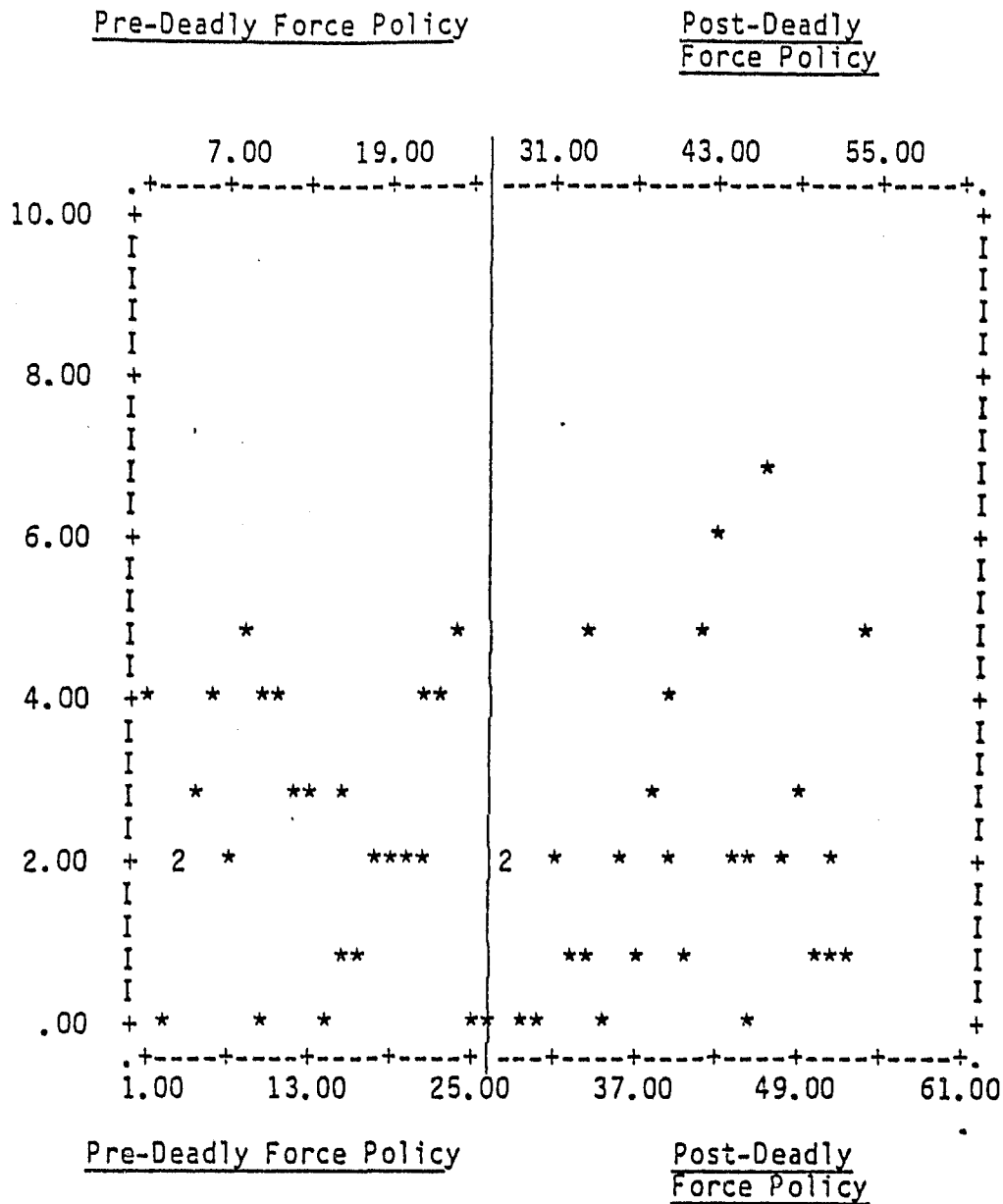
Statistics..
 Correlation (R)= -.13155
 R Squared = .01731
 Significance = .19175
 Std err of est = 1.60232
 Intercept (A) = 2.97681
 Slope (B) = -.01566
 Plotted Values= 46

FIGURE II. TOTAL MONTHLY SHOOTINGS IN OAKLAND



Statistics..
 Correlation (R)= .02354
 R Squared = .00055
 Significance = .39597
 Std err of est = 1.24426
 Intercept (A) = 1.30081
 Slope (B) = .00079
 Plotted values= 128

FIGURE III. TOTAL MONTHLY SHOOTINGS IN NEWARK



Statistics..
 Correlation (R)= .00933
 R Squared = .00009
 Significance = .47331
 Std err of est = 1.75211
 Intercept (A) = 2.28651
 Slope (B) = .00103
 Plotted Values= 54

Inspection of the graphs indicates that no clear pattern of change is discernible for Oakland, Newark, or Birmingham. Linear regression equations for the pre-policy monthly shootings and the policy monthly shootings discount serious consideration that the introduction of a new shooting policy into the departments introduced gradual, constant (incremental) change either in increasing or decreasing monthly shootings. In Table 166 are the structural equations for the three cities. In all three cities the betas were not significantly different from 0.

[INSERT TABLE 166 HERE]

An alternative change in the pattern of monthly shooting rates due to the introduction of a new deadly force policy might be that of a change in level of shootings after the introduction of the policy; namely, no continuous increasing or decreasing change in monthly shootings, but rather a similar pattern of shooting rates before the policy and during the policy but with different levels in each time period. We tested for this possibility by computing difference of means tests between the mean during the pre-policy period and the mean rate of shooting after the policy went into effect. Table 167 shows the results.

[INSERT TABLE 167 HERE]

While in each city the average number of monthly shootings in the post-policy series was less than in the pre-policy series, none of these differences was statistically significant.

A caveat is in order in concluding this section. The numbers of shootings on a monthly basis (many entries were zero) were probably too low for an adequate ARIMA analysis. But if they were accumulated, say on a bimonthly or quarterly basis, to achieve higher numbers, the total number of entries for ARIMA would have been inadequate (the recommended minimum number of data

TABLE 166. STRUCTURAL ORDINARY LEAST SQUARES EQUATIONS FOR MONTHLY SHOOTING RATES IN BIRMINGHAM, OAKLAND, AND NEWARK

	Pre-Policy	Post Policy
Birmingham, AL	$Y_t = 3.38 - .01X_t$	$Y^t = 2.50 - .07X_t$
Oakland, CA	$Y_t = 1.28 + .002X_t$	$Y^t = 0.41 + .57X_t$
Newark, NJ	$Y_t = 2.56 - .006X_t$	$Y^t = 1.19 - .07X_t$

TABLE 167. DIFFERENCE OF MONTHLY SHOOTING MEANS FOR PRE-POLICY AND POST-POLICY TIME SERIES

	Pre-Policy \bar{X}	Post-Policy \bar{X}	t-value
Birmingham, AL	3.0	2.00	1.636
Oakland, CA	1.39	1.27	0.472
Newark, NJ	2.48	2.17	0.646

points is 50). The preceding would seem to indicate that one can apply ARIMA analysis to monthly shooting and have a sufficiently sensitive approach only if one has data from New York, or Chicago, or Los Angeles.

For visual consideration, Appendix Q contains computer-generated shootings, crimes, and arrests for the four cities with notations of significance. The erratic pattern of shootings shows no consistent relationship to arrests or to police events. It is perhaps of note that a high peak in shooting (three or more) has not occurred since the first quarter of 1977--the fire-arms policy was revised in August, 1977. But the data have not as yet been collected far enough out to warrant serious rejection of a random effect.

While crimes in Miami (particularly violent crimes) have tended upward since July, 1980, police shootings have been drifting steadily downward--except for a jump concomitant with the 1980 riots.

In Birmingham, there is little apparent effect of either the August, 1979, or the July, 1980, changes in policy. But, since January, 1981, the shooting rate seems markedly down. Our guess is the lower rate reflects police inactivity during the period of an acting chief and continued struggle between the department and the mayor. While not on the tables, officers were killed in the line of duty in November, 1979, and December, 1980, months of high shooting peaks.

SUMMARY AND RECOMMENDATIONS

Since the primary goal of this section of the Report is to provide guiding information for the policy-maker and the decision-maker, rather than to provide an intellectual overview for the scholar, it is organized by specific recommendations rather than by topics related to theory. That format makes the section less useful (and certainly less interesting) for the typical social scientist, but that will be corrected, it is hoped, in the Executive Summary to follow.

While this is a section of Volume IV, these recommendations and summary are based on the observations, data, and analyses of all four volumes of the Report. Perhaps ultimate reporting nicety would call for one summary covering Volume IV and another for all four volumes collectively, but it does seem most desirable to get the job done at this point even though it may mean some sacrifice in elegance.

Recommendation 1. Departments should implement intensive training programs that emphasize their policies on the use of deadly force and the underlying legal and moral principles.

One of the more startling findings in the study was that police officers have dramatically different notions of when deadly force is legitimate. Variation was found over units in a department as well as among individual officers on standards derived from both law and administrative regulation. On the issue of variation over units, we found intra-unit patterns that ranged from "restrained" to "shooting-oriented" attitudes. And units that encountered high rates of armed confrontation, not surprisingly, tended to have less restrained attitudes toward the use of deadly force than did lower contact units.

The pluralism of values related to deadly force raises several practical questions for police administrators. First, it appears that the process of policy socialization is far less complete than many or most police executives believe. Also, there is evidence that police officers may be more responsive to values gleaned from line supervisors or from peers in operational units than from administrative policy statements. In an area with such irreversible stakes as the police use of deadly force, it seems desirable to have far more uniform standards within police departments than seem evident. Just as two offenders with similar records and charges who receive very different sentences may complain about the injustice of the system, so too police departments should be concerned about widely different policy and legal interpretations.

We recommend that police chiefs carefully articulate their personal commitment to departmental policy and guidelines. That is clearly a problem when a departmental policy statement has been forced on a chief and his department by a political process. The chief could (as a good public servant must) then verbalize support for the policy though deep-down commitment is certainly not there. As part of this package, we, therefore, recommend sensitive responsiveness by politicians to the police perspective even in turbulent times where a large segment of the public is demanding radical change. There should be negotiation and compromise, even if it means gradual implementation of change. The effort could minimize the type of phenomenon found most dramatically in Birmingham after the imposition of a markedly more restrictive shooting policy by its mayor, with resulting intense and severe conflict between the mayor and the police. For reasons of concern for safety (the police interpretation) or of deliberate slowdown to express animosity (the political interpretation), the resulting decrease

in police action--though possibly short-lived--surely exacted a price from the public.

It would seem, further, that the effort to achieve uniformity in knowledge and attitude over officers in regard to deadly force calls for greater emphasis in formal training. Cases should be reviewed and discussed that emphasize ambiguous or marginal areas in deadly force policy. Where possible, police officers should walk through "real life" simulations dealing with legally (as well as tactically) ambiguous policy areas.

It also appears useful to offer more advanced legal training to line supervisors on the topic of deadly force. Line supervisors should be trained in communicating restrained attitudes toward the use of deadly force even in highly charged situations. The ability to operationalize deadly force policy should be tested in promotional exams. Finally, there should be efforts to rotate officers periodically through different types of assignments to avoid highly cynical "Fort Apache" type police unit sub-cultures from developing within high contact units in large police departments. Care also should be taken to place highly mature and restrained officers in such units.

Recommendation 2. Police departments should develop operational rules to minimize "high risk" contacts with armed persons.

Table 72 shows that in a high percentage of shooting encounters (53 percent), there was prior knowledge that a very serious incident had occurred (i.e., either a shooting or a robbery). In Table 74 it is indicated that in roughly 85 percent of the encounters there was at least some indication that the incident might evolve into a use of deadly force. Table 75 indicates significant differences between shooting and non-shooting officers in terms of whether the officers formulated plans to deal with the opponent.

These observations are consistent with our sequential model of police officer decision-making and our most general hypothesis that decisions early in an armed confrontation make an eventual use of deadly force more or less probable.

Where time and tactical considerations allow, patrol officers should call for back-up officers (specially trained in coping with armed persons) rather than attempt to confront the opponent themselves. Sealing off an opponent and seeking cover (while calling for back-up) should be emphasized in policy manuals. Other operational rules should be generated from data collected by individual departments on both actual and averted uses of deadly force. Such data would establish the efficacy and risks of particular operational rules.

It is surely clear that one can far more readily generate rational, minimum-risk alternatives for particular armed confrontations in a laboratory setting than one can in the heat of rapidly developing street scenes. And human beings need structuring when anxiety, fear, intimidation, a "need to look good," and quick decision-making are present in complex interactions. The concept to do a specific such-and-such, like call for back-up, provides that type of structuring. Moreover, where a choice of that sort is necessary rather than merely a remote possible alternative, the officer has no conflict with his need to act courageously or with bravado rather than dependently.

There are other gains from this approach. First, there would be an increased likelihood that officers with the greatest skill would actually confront armed persons wherever possible. In addition, the evaluation of such operational rules and their impact upon the rate of deadly force would greatly contribute to our conception of the types of tactics likely to avoid unnecessary uses of deadly force. Finally, in implementing such rules a

police department would further articulate to its officers its commitment to restraint in the use of deadly force.

Recommendation 3. Police departments should develop training formats that avoid unrealistic conceptions of danger or threat for line officers.

As mentioned in an earlier volume of this Report, some training approaches in the area of deadly force seem oriented toward producing paranoia. Clearly there is much danger associated with police work, and clearly there is need for appropriate training to cope with that danger. But there is a considerable gap between appropriate training and training that produces paranoid fear.

It is clear from our data as well as the data from the I.A.C.P. that the rate of use of deadly force is directly related to violent crime rate. And there is in our data marked fluctuation in a single city over time, though there is no regular periodic pattern, seasonal or otherwise. For example, in Oakland in 1979, the rate of deadly force increased by 600 percent, then rapidly subsided. In Newark, the summer of 1980 and winter of 1977 saw marked increases in deadly force incidents.

We conjecture that at least some of the surges are caused by a climate of agitation, fear, or animosity created by violent crime or perceived risk on the part of the officers. We note, for example, that there is often a blip of increased shootings following the killing or wounding of an officer by a civilian. The shootings that led to the termination of James Parsons as chief in New Orleans provide another dramatic example. Those shootings directly and rapidly followed the slaying of a New Orleans officer.

Several experienced officers we interviewed have suggested that many questionable uses of deadly force occur during these cycles of increased perceived danger. The shooting of Eulia Love occurred during a period of

both high crime and increased shootings by officers during the winter of 1978-79 in Los Angeles. A shooting of an innocent man in Newark in the winter of 1977 occurred during a month in which no fewer than 11 officers fired their weapons compared with an average of four per month during 1977 as a whole.

For those precipitative circumstances that make it possible, police departments should attempt amelioration. In the process, reports of dramatic crimes and arrests should be used in a balanced manner, to make police officers aware of possible dangers, but not to create a climate of irrational danger.

Informal briefings by line supervisors should seek to place in realistic proportions perceptions of danger to the police officer. This type of briefing style requires both maturity and skill. Techniques should be developed to train line supervisors in techniques to prepare line "high contact" police officers to interpret, in a balanced manner, the dangers they might encounter during duty on the streets.

There is evidence that personal perceptions are critical in terms of officers responding to citizens in an overly reactive manner. In most of the "shooting" incidents (see Table 74) there was an initial perception of risk seemingly greater than would be warranted by the objective circumstances of the incident. Also, as we observed in our piece, "Deadly Force in Law Enforcement" (see Volume II), in such tragic incidents as the shooting of Bonita Carter, the police perception of community violence seemed to play a significant role.

The issue of reaction to the shooting of an officer is particularly difficult. The immediate feeling of outrage and the need to invoke control is unquestionably related to perceived threat in the long-run (as well as to other factors). All the leadership ability of the chief and the command

staff will, therefore, be necessary for amelioration. At this stage, we simply point out the need for alertness on the part of the chief--future research can perhaps lead to specific strategies for implementation.

Recommendation 4. Police departments in cities at risk should develop "community conflict" teams skilled in defusing police-community tensions, especially these following shootings by police that lead to death or serious injury. Tables 104-108 indicate the extremely negative perceptions black and minority citizens have toward police relative to white citizens. In Tables 112-120 there is evidence that this general mistrust of police is also reflected in perceptions of police deadly force policies and practices. Finally, in more than 100 incidents in the 1960s and in a dozen or so incidents in the past few years, police use of force (often deadly force) has resulted in subsequent violence by minority citizens. In far more cities such incidents have greatly exacerbated police/community tensions.

To help mediate such perceptions it is recommended that police departments initiate community relations teams (probably made up of persons from a variety of racial and ethnic groups and including civilians as well as police officers). These persons should be multi-lingual, as needed, and comfortable in communicating with citizens from a variety of economic backgrounds and political persuasions. They would also include people with aptitudes and training relevant to working with juveniles.

The team would be sophisticated in the distinction between a reasonable or unreasonable decision, on the one hand, and a correct or incorrect decision, on the other. It would act to further understanding between groups that too often distrust each other vehemently, but would have no fact-finding authority. Investigation, the formation of explanatory constructs, and

corrective action must of course remain with such units as internal affairs, homicide, the prosecuting attorney's office, and so on.

The underlying theme of the team would be that the police-citizen encounter is a transaction involving fallible human beings. Errors may occur in either direction--the citizen may unexpectedly remove a toy pistol from his pocket or make a gesture that is easily interpreted as threatening, the officer may unholster his gun prematurely or misperceive an entirely innocent gesture or motion on the part of the citizen. Immediate understanding would hopefully lead to change in the longer run.

Recommendation 5. Police departments should carefully monitor the shooting behavior of officers--a means of keeping records is not enough, an alerting or triggering mechanism should be built into the system.

While our data do not indicate that there is such an entity as the "shooting-prone" officer, the histories and attitudes of certain officers warrant sensitivity to the possibility of transferring an officer on the basis that his interaction with a given environment produces an elevated probability of violence.

A good record-keeping system, moreover, allows isolating possible selection and assignment criteria for officers. Tables 87, 88, and 89 of this volume show types of characteristics of officers that discriminate between "shooting" and "non-shooting" officers. Prior shootings was a differentiating variable in Birmingham, complaints in Newark and Miami, and work evaluations in Oakland. Prior shooting incidents was a significant discriminant across all four cities.

It should be pointed out that, as Morris (1974), Monahan (1977), and others have forcefully indicated, such uses of predictive psychology are scientifically, ethically, and legally hazardous. In virtually all studies,

violence is over-predicted with a particularly large number of false positive errors. In seeking to incarcerate persons predicted as dangerous, for example, one runs the risk of incorrectly imprisoning many people who in fact are no risk to society.

In terms of the prediction of police officer behavior, one faces similar dangers. Moreover, police unions and civil rights advocates have pointed out that the use of such predictive technology may violate some fundamental rights of officers.

The one area where such objections are not so clearly compelling is in the area of force complaints and prior shooting behavior as predictive data. While a police officer might complain that his divorce or hair color or weight are illegitimate in terms of assignment or restriction decisions (regardless of previous empirical findings), it is difficult to argue that police departments should not be permitted to keep detailed records on the use of force by its police officers. As indicated in Table 88, both prior shootings and complaints (many related to force) were highly predictive in terms of discriminating "shooting" and "non-shooting" officers.

Our qualitative analyses of shooting histories indicate intriguing commonalities in officer shooting behavior. One Newark officer with three shootings fired all his shots from cars. Another officer with eight shootings in ten years fired seven times in off-duty confrontations. Another officer's confrontations all resembled "wild west" duels. Still another officer's confrontations all followed physical fights with Puerto Rican males.

Such data may be useful to supervisors in keeping officers away from situations which, for one reason or other, may lead them to become involved in shootings. For example, the officer who had had a series of duels was

assigned to a traffic squad where he has avoided a use of deadly force incident during the past three years.

In monitoring officer shooting behavior, the department should be careful to consider the contact rate of the particular officer in assessing his behavior. As we noted in Volume III, Chapter Six, knowing the number of shootings encountered by a police officer is not particularly useful unless one can reasonably estimate (perhaps by his assignment history or armed arrest rate) the number of encounters in which he might have used deadly force.

Recommendation 6. Police departments require one or two interviews with a psychologist for all officers who kill or wound seriously someone in a deadly force encounter.

We have found the full gamut of responses to a killing or wounding, from the officer who sneers that the "bastard deserved it" and states slight satisfaction as the only lasting after-effect, to the officer who needs psychiatric services, perhaps hospitalization, and disability release from sworn duties. As a concrete example, one of the officers involved in the Eulia Love shooting (see Volume II) retired on a psychologically related disability after the episode. Other officers report restlessness, inability to sleep, nightmares, and other symptoms in the aftermath of a shooting. Such reactions seem most common following fatal shootings and highly publicized incidents.

Officers frequently report a lack of social support from superiors and other officers following the trauma. They may even be separated from other officers who were involved in the incident in order that investigators may gain independent descriptions of the episode. Many officers similarly report feeling abandoned by a police administration committed to objectively (and possibly punitively) scrutinizing their actions.

A promising model to cope with officer psychological trauma following such "traumatic events" was found in operation in the Rochester, New York Police Department. Officers who themselves had been involved in use of deadly force episodes were trained in peer-counseling techniques and dispatched to counsel officers who found themselves involved in a shooting incident. Often these officer counselors met with the officer participant within hours of the shooting episode.

And the Dallas Police Department has a full-time clinical psychologist with two (M.A.-level) aides who are sworn officers.

We recommend that the initial visit(s) to a psychologist be mandatory rather than voluntary because of the implication, for some or many, that a need for psychological services indicates weakness or a lack of vigorous masculinity. Service for the officer (as well as his family) beyond the required contact would be at the option of the officer (and his family).

While the principal gains of this approach are obvious enough, a subsidiary gain is the open recognition that police officers (as well as citizens) become active victims (sometimes physically, other times psychologically) of armed confrontations. It is not fully appreciated that many officers find the necessity of wielding (and occasionally using) deadly force as at best a distasteful, and possibly debilitating, obligation. It is our opinion that recognition of that fact would enhance the reputation of the police in most communities.

Recommendation 7. Training programs in police departments should be expanded to provide a full coverage of decision-making in armed confrontation.

As we observed in Volumes I and III, the state of the art of training related to police deadly force seems primitive. Problems related to present training curricula include the following:

1. Existing training curricula focus either on the mechanics of shooting or decision-making in the final frame of an armed confrontation (e.g., the Motorola "Shoot/Don't Shoot" program).
2. Training in shooting decision-making rarely reflects the most frequent types of encounters actually confronted by police officers.
3. The affective context of the shooting training environment is totally different from the types of pressures which might be exerted upon the officer in a "live" armed confrontation.

In terms of our sequential model of decision-making up to the point of shooting or non-shooting, it is clear that it is essential to provide armed confrontation decision-problems at each phase of the armed encounter. Officers, for example, might be trained in developing sets toward information received from dispatchers (see Tables 72ff). Similarly, officers should receive specific training in positioning prior to encountering the opponent (see Table 77ff) and in different modes of verbally communicating with opponents in the confrontation.

It is further useful to train in specific decision-matrices to be followed during the confrontation. For example, officers should be trained to "back-off" in certain confrontations in which the risk of a shooting becomes unacceptably high. It is further important to teach officers techniques of assessing risks in opponents based on prior information as well as observations on the scene. Also officers should be taught the importance of planning and coordinating actions with other officers wherever possible. The

dimension related to planning proved to be a statistically significant discriminant between "shooting" and "non-shooting" armed confrontations in our data.

As we observed earlier, another weakness in existing training curriculum is that training examples rarely reflect the types of incidents police officers face in street encounters with citizens. The types of dimensions (circumstances, lighting, time of day, type of physical surrounding, time-frame, number of opponents, etc.) reported in Tables 48ff provide the type of information which should be scrutinized carefully by developers of training programs related to the use of deadly force.

Training examples should be geared to model types of encounters experienced by police officers in a particular area, not simply shootings. By gearing training only to shooting cases (especially dramatic and atypical shootings) officers may develop unrealistic cognitive sets toward armed encounters. A scene in the Motorola "Shoot/Don't Shoot" series in which a twelve-year-old boy on a bike suddenly draws on a police officer provides an example of how the use of an atypical (or possibly non-existent) case may contribute to the creation of unrealistic conceptions of danger on the part of police trainees.

It is also suggested that effective training should attempt to simulate (impossible to accomplish fully) some of the affective dimensions of police-citizen armed encounters. By including other partners, bystanders, and other social actors in the simulated police-citizen confrontation, as well as some of the fear and uncertainty in such episodes, one may begin to approximate the real-life demands of such incidents.

Recommendation 8. Considerable emphasis should be given in police training programs to coping with unarmed (though threatening) citizens and

with people who have weapons that are not guns. The training should emphasize communication skills and the use of "less than lethal" weapons. In devising the program, some thought must be given to the concept of "balancing the risks" in terms of identifying and reacting to threat.

Table 61 indicates that roughly 37 percent of the opponents of shooting police officers had no weapons. In addition, roughly 12 percent carried either a knife or a blunt weapon. This category provides both a mandate and an opportunity for special training. In several instances, shooting a person who did not have a weapon or who had a weapon that was not a firearm created a major community incident (consider, for example, the shooting of Eulia Love in Los Angeles). And, as emphasized above, in many (but not all) situations, the police officer may tactically retreat and avoid immediate peril.

One means of training officers to cope with opponents of the above types lies in adaptations of existing "crisis intervention" models as described by Bard (1970), Liebman and Schwartz (1974), and Toch (1976). While some writers (especially Toch) have perhaps overemphasized the degree to which such techniques may be useful in coping with threatening opponents, there is no doubt that at least some confrontations may be averted with their cautious use. The most popular crisis intervention training model available is perhaps that developed by Schwartz (1980), in use in many police departments. Officers are trained in a sequential method of defusing hostile citizens which could be adapted to the unique circumstances involving persons armed with non-gun weapons.

Also promising, as discussed earlier in this volume, are the "less than lethal" weapons, such as the "tesor gun," "bean bag gun," and other restraints such as the "net" and "people grabber." In some departments, such weapons

have been used successfully though it is not clear if the confrontations that are averted would have actually resulted in shots being fired.

Recommendation 9. Departments should provide specific information to the public regarding policies, tactics, and rules for the use of deadly force, and their actual implementation.

The negative perceptions of the minority community, most notably the black community, are as obvious in our results as in the general impression in the public. For example, 57.1 percent of the blacks sampled indicated full agreement that "police shoot when it can be avoided" compared with 20 percent of the Hispanics and 22 percent of the Anglos.

That there is something amiss becomes obvious when that is put side by side with our finding that officers tend to have personal standards for the use of deadly force that are more restrictive than the standards specified in laws and regulations.

Further, it is our belief that a substantial number of shootings result from errors on the part of the citizen rather than on the part of the officer. As a component in the implementation of this recommendation, therefore, we suggest an effort to portray to the public the perspective of the officer in an armed confrontation. The officer is at least uncertain, possibly bewildered; he is at least apprehensive, possibly deeply frightened; he is besieged by an array of cues, probably far more than he can process. All citizens must be aware of the officer as an interacting human being, and not behave in such easily misinterpreted ways as reaching rapidly into a pocket or into the glove compartment of a car, or as raising the tension level by verbal and postural threats.

Recommendation 10. All police departments must have policy statements in regard to deadly force to state a moral position and to guide the officers

in appropriate behavior. But the specific form of the policy should, at least over the foreseeable future, vary over departments.

The recommended statement of Geller (1981) is typical of what is found in the reports of academic or community-based (but not police-based) researchers: "A police officer is justified in using deadly force only when such force is intended to defeat a present threat to the officer's or another person's life." It is our belief that recommendations of that sort are most often, and perhaps always, based on the value system of the person or persons doing the research rather than on the actual data obtained in research.

Questions surrounding the use of lethal force by law enforcement personnel give rise to the most profound kinds of moral issues. The establishment of a proper policy for employment of lethal force has to be based on fundamental values of the particular society at the particular time. And unlike many moral issues, the question of lethal force goes far beyond academic debate. Its resolution involves the matter of life and death. Any policy that is implemented inevitably will mean that some choice has been made about allowing some persons to die while others are spared. This is the context in which the matter of alternative weapons for law enforcement, weapons that can reduce the potentiality of death-dealing, takes on strong significance. (We think the issue of alternative weapons is so important at this stage of planning in the area of police deadly force that we have included an Addendum to this section in which they are discussed.)

If a police department determines to inhibit the use of firearms by its personnel in confrontations between them and suspected felons who are or who seem to be armed this likely will result in the killing of fewer felons. Perhaps a number of officers will be sacrificed on the altar of such a policy and, undoubtedly, some innocent citizens will in the future be victimized by

felons who were spared. If a department escalates a campaign of lethal force by its officers, some innocent persons, both suspects and bystanders, are apt to be sacrificed: probably, though far from certainly, such a policy will spare the lives of some officers. The problematic aspect of prediction is that we have no reliable information regarding what prompts offenders and suspected offenders to fire at officers. Would they employ their guns less often if they knew that they themselves would not likely be shot at? Or would they use their weapons more readily if they were convinced that the officer would not shoot at them or would not retaliate for their shooting? Probably, under these circumstances, some offenders would do one thing, others another, and the question becomes determination of what the overall consequences are. No policy will guarantee safety to everybody; all policies represent calculated risks, with only more or less predeterminable outcomes.

Many episodes involving firearms today in which an officer is killed or wounded seem to occur because the officer, for whatever reason, hesitates to employ lethal force and himself is shot or stabbed or clubbed. The hesitation may be from no deeper motive than a reservation about using a weapon because of knowledge that such usage will be followed by burdensome paperwork and what the officer might regard as undue and unpleasant publicity. The police today are increasingly restrained from quick lethal force response by department policy, their own reservations about taking life, and a variety of other considerations.

Given these various considerations, we believe that specific deadly force policy should be based on the value system of the relevant community rather than the value systems of people who happen to do research. On the one hand, it seems clear that in almost all communities where police shooting

is a noteworthy issue, a policy that allows shooting at any fleeing felon is not supportable. On the other hand, we cannot imagine a community (black or white) that would not encourage a policy permitting an officer to shoot a person who has just heinously murdered another person (say, a child for maximum emotional impact) before the officer's eyes, and refuses the officer's demand to terminate an escape attempt.

There is one other consideration that would seem worth mentioning in this context: the policy statement is probably not as important in determining shooting behavior as has been widely argued. First, there is our result that the personal standards of officers are most often more restrictive than law and policy. Second, there is the oft-repeated observation (see Volume III of this Report and Geller, 1981) that policy without accompanying enforcement commitment and procedures is ineffective policy. And third, it is empirically the case in recent years that the vast majority of shootings in cities that have Model Penal Code formats in their policies (shooting is justified against a fleeing felon when the crime leading to the arrest included use or threatened use of deadly force or there is substantial risk that the person being arrested will cause future bodily harm) were based on claimed defense of life.

The strict defense-of-life statement may be ideal for an agency like the F.B.I.; it probably carries more in the way of opprobrium than guidance for the police in general when advocated by people who are not sympathetic with the police on broader grounds.

One important supplement to policy statement (and the various trappings that go with it) would seem to be the availability of weapons that can be employed by law enforcement officers to incapacitate temporarily an antagonist.

In this way, even guilty persons will be spared their life, innocent persons will suffer only passing inconvenience and indignity, while officers will be protected from injury or death.

ADDENDUM: ALTERNATIVES TO THE USE OF LETHAL FORCE BY POLICE OFFICERS

Science fiction writing abounds with prototypes of such formidable and efficient weaponry. As youngsters, we were all exposed in the "comic" strips to the use of ray guns and similar futuristic implements which numbed or dazed a person, hurling through space as they did with greater speed than a bullet and with unerring accuracy. Indeed, it is not unlikely that most of us have fantasized at some time that we possessed such a weapon, which we would use either for nefarious purposes or admirable ends. It seems surprising that in the many centuries since the invention of guns mankind has not been able to fashion a neutralizing agent against gun fire. There are, of course, bulletproof vests and diverse kinds of riot shields which offer partial protection, but they are hardly foolproof, and in matters like these, the cost of error can be terrible. Besides, they are defensive weapons, and the need often is for immobilizing agents.

The discovery and use of non-lethal agents that could adequately protect law enforcement personnel could alleviate growing social concern, as well as reduce the dramatically increasing number of civil suits contested in regard to the police use of deadly force. The absence of such agents is probably in considerable measure traceable to the technological priorities of the military establishment. Weaponry research involves the expenditure of vast sums by the defense agencies, but death-dealing efficiency understandably takes precedence in military research and production. The aim is not to immobilize enemies but to kill as many as quickly and as efficiently as

possible. The strikingly increased death-dealing capabilities of military armament with the passing years--from flame throwers to nuclear bombs--is stunning. But law enforcement derives relatively little benefit from the great amount of money spent on such matters, at least in terms of responding to real or imagined lethal threats with less than lethal means.

It should be noted, however, that the military may possess information and weaponry that could be of considerable law enforcement use but whose existence is still regarded as a national security secret. After the abortive American attempt to rescue the hostages held at the American embassy in Teheran, reports began circulating that part of the tactical strategy was to employ an agent which would render the Iranian guards of the captors incapable of action, yet would not kill or injure them permanently. Such a scenario may have been merely science fiction, or part of an attempt to explain an almost inexplicable (and, oddly, subsequently unexamined) plan. But it may be that there do exist non-lethal weapons which in time will be filtered into law enforcement work.

How serious police officials are about procuring such materiel remains a bit uncertain. We have read with some care the major two dozen or so things written by law enforcement authorities on the subject of non-lethal weapons, and can detect a note, a tone, that pervades a great deal of such work. There is a tendency to belittle either the present or the prospects of scientific advance in the service of police work, almost as if such achievements would render the role of law enforcement officer a bit effete, and would lead to the disappearance of a machismo, gun-toting, shoot-out portrait of police work. The quintessential expression of this view appears in an article by former Los Angeles Police Chief Thomas Reddin (1967), in which Reddin sarcastically reports that he had heard of the concoction of a chemical which,

when released upon a rioting crowd, would cause its members to evacuate their bowels. Granted the bizarre nature of the alleged weapons, the case for the search for satisfactory non-lethal agents is not advanced by Reddin's humor given that what most occurs to him is the consequence if such a chemical were mistakenly released in the vicinity of command headquarters. More generally, there does exist an expressed fear among police officers that they will be saddled with technological devices that will further inhibit their reliance upon guns for self-protection and thereby will increasingly place them in jeopardy.

Putting the matter another way, we would note that there is inherent in police work, particularly in the United States, at least an element of derring do that would be undercut or eliminated by the "sterile" technology of non-lethal weapons. We would in no way wish to overemphasize or overplay this matter: few law enforcement officers, like few of the rest of us, relish danger or daring. But we suspect that the atmosphere of potential danger, in tandem with the rare likelihood of such an outcome, has some fundamental appeal in the ethos of American police work. Note, for instance, the manner in which the (unarmed) British police are advised to engage in an automobile chase, and compare this to the tactics often used by the more aggressive, and thereby danger-courting American police (Martienssen, 1951, pp. 48-49):

The long and careful training which police drivers are given was worked out...with the help of a team of racing motorists who were then at the top of their class. The police are not taught trick driving, but they are taught how to drive fast with safety over any sort of road surface and in any weather. Their cars are kept in excellent condition and they seldom have to abandon a chase because of engine failure or other breakdowns. The police, therefore, consider that their drivers are

far more experienced in high-speed driving than the majority of criminals. Their method for stopping escaping criminals is based on this assumption and on the fact that, because they also have the psychological advantage which the hunter always has over the hunted, they are much less likely to get excited and to make mistakes which, in high-speed driving, might be fatal.

Instead, therefore, of using shock tactics such as crashing into the criminal's car or trying to puncture his tires, the police simply "tail" the escaping car. If he refuses to stop, they make no effort to overtake him or to edge him into the side of the road; they simply keep close behind the criminal where he can see them in his driving mirror and they follow each move he makes. If he slows down, the police slow down, if he accelerates, the police accelerate, aiming always to keep themselves in full view of the criminal. Sooner or later, the criminal loses his head and either stops of his own accord or begins to take greater risks than he should and eventually crashes. All the police then have to do is to step in and pick up the pieces without further risk to themselves or their cars.

We have quoted this excerpt at such length because in some regards it captures a spirit that, our studies indicate, too often is not present in confrontations which result in the employment of lethal force, a spirit of patience and self-confidence. We suspect that the same attitude of impatience may contribute in some measure to the rather primitive state of technological conditions in regard to the availability of non-lethal weapons for law enforcement today.

Most certainly, given the small amount of room for error or maneuver in many cases involving the potential for lethal conclusions, the demands of a

police officer for a protective device that will both incapacitate a foe and protect the officer are not readily met. A weapon as sure and as effective as a gun to demobilize an opponent appears to be essential if it is to achieve the support of line officers in situations other than those where the officer has plenty of time and plenty of environmental security. Otherwise, the increased margin of danger for the officers is not apt to prove tolerable or to be tolerated.

The ideal kind of non-lethal weapon presumably would employ an agent, such as a chemical, which on impact would produce a numbing or otherwise disabling effect. The effect would have to be instantaneous if the officer were in immediate danger. Things such as tear gas used against a dangerous criminal might well lead to the random firing of a weapon and even more serious threat than nonaction. The best agent undoubtedly would be one that is absorbed immediately into the body through the skin. But such projectiles would have to penetrate clothing and not be as dangerous as bullets. There is, of course, always the risk of producing such effects as blinding, but this would seem preferable to the much more fearsome likely outcomes of gun use.

We might again, though, illustrate both the danger of some new weapons, and the tone in which such danger is set forth by officers, through a quotation of a review of the assets and demerits of a dart that has been advocated for police work. The dart is attached to a charge that shocks its recipient into temporary incapacity. The comment reads (Prickles, 1981):

With little control over where the dart projectile will strike, you can imagine the public outcry when the newspapers print the story of how you subdued some belligerent clown by implanting one dart in his eyeball and the other

in the head of his penis...and applied the 50,000-volt pulsating charge? Don't write off the possibility.

Face and groin make up a respectable percentage of the total target area.

Absent a projectile that can be propelled directly into the body, there remains the possibility of a chemical, along the lines of tear gas, that would produce the same effect. Obviously, there are complications in regard to use of such an agent in a one-to-one confrontation in which the opponent is not in a situation that bounds his movement.

Two more items are worth mentioning in these introductory remarks. First, consideration always needs to be given to the fact that any non-lethal weapon employed by law enforcement has the possibility of being incorporated into the arsenal of law enforcement's opponents. In fact, the inevitability of such an outcome has to be taken for granted. It is fine to say that it is something of an advance when outlaws who ordinarily would shoot to death persons they intended to rob or otherwise do in instead will only incapacitate them if they employ the newer weaponry. But it is also not unlikely that persons who restrained from crime, or certain types of crime, because they did not want to take the consequences of lethal outcomes might now be encouraged to embark upon criminal careers or to extend their range of activities in this sphere.

In addition, the appearance of non-lethal weapons always can lead to law enforcement use when lesser tactics might have sufficed. What is the point in wasting time trying to talk down a youngster on a psychedelic drug when he can be readily subdued by the use of an incapacitating agent? A former police officer testifies to this phenomenon (Pickles, 1981):

Do you remember when Mace first hit the law enforcement

scene? Then you must remember how many officers overused it. It was nonlethal, so most adopted a "what the hell" attitude. For a short while it was used not just as a substitute for the nightstick, but even as a substitute for your hands. "Hell, why get dirty. Mace the jerk," was the common phrase.

The following pages consider some of the products that have in recent times come onto the market for the purpose of allowing the police to avoid use of lethal weapons, yet nonetheless to accomplish their purposes satisfactorily. We have relied heavily in this review upon the work of the Planning and Research Division of the Los Angeles Police Department (1980), Captain Quintin Villanueva, Commanding Officer, because that agency carried out the most comprehensive review of the subject we have located. We will supplement the Los Angeles report with other information where appropriate.

A fundamental problem in regard to non-lethal weapons is that it is impossible for the average officer to have available to him an entire arsenal of equipment and then to carefully weigh the situation and select that item that is most appropriate. Where there is time for planning and room for maneuvering, it is possible to have available at headquarters diverse weapons which can be brought up and used to resolve a situation. But for most officers the pressing need is for a weapon to handle what they regard as the most dangerous situation for them and others: a threatening, armed, advancing opponent. If the opponent is armed with other than a gun or using anything that will not be hurled, then the attack could be countered with objects that work at a distance without jeopardizing the officer; otherwise, something that crosses space rapidly is essential. In addition, there is a whole area of riot control in which large numbers of policemen tend to be threatened by groups of people, and the aim primarily is to disperse these crowds. Another

common situation calling for somewhat different response involves mentally agitated or psychotic persons who are most dangerous because there is no knowing what they might do next.

A useful breakdown of situations which might call for different kinds of weapons is that provided by the U.S. Army Human Engineering Laboratory (1975), located in Maryland at the Aberdeen Proving Ground which examines non-lethal (or less-lethal, as the Army calls them) weapons in regard to: (1) the one-on-one situation; (2) a barricade and hostage situation; (3) a suspect fleeing on foot; and (4) dispersal of a crowd. The Army group also has considered appropriate weapons for three prison scenarios, the first involving an assault on prison officers, the second a riot in the prison dining room area, and the third a prison riot with hostages.

The most important conclusion of this introduction must be spelled out before we move on to a detailed inventory of some existing non-lethal weapons.

There does not exist in the arsenal of police arms today a weapon that satisfactorily replaces the revolver for all situations in which there is the potential for lethal consequences in a confrontation between an antagonist and an officer. There are weapons better than guns, in terms of their potential reduction of harm and danger, which are available for particular kinds of situations, but each has severe limitations for a large number of other situations.

A. The Taser Gun. More discussion in the police literature today is directed toward an evaluation of the merits and deficiencies of the Taser gun than any other non-lethal weapon. It is the idea of the weapon more than its current usefulness that seems to underlie the attention. The Taser is a dart gun that fires two electric charges that send 50,000 volts through the person hit by the dart. This will knock the person down and presumably stun him or

her for a long enough period to allow the police to move in. The Taser employs barbed darts [earlier models of the gun were difficult to grip and testers reported no better than 50 percent accuracy in hitting a stationary target, in this case animals at relatively close range]. A review in the Police Product News (Pickles, 1981, p. 57) reported that "projectile flight is unpredictable and unreliable...A moving man would be a very difficult target." Aim is aided by the use of a flashlight attached to the weapon that points to the direction that the projectile will presumably take, but the product reviewer found firing in broad daylight difficult. The Taser unit is described by the Los Angeles Police Department this way (1980, p. 9):

...a handheld, flashlight-shaped, plastic body, nine inches long, with a 2 x 3 face containing an electrical supply unit into which plastic cassettes are inserted. Each cassette consists of two insulated 15-foot wires with weighted barbs 3/8-inch in length. TASER costs about \$150 per unit.

The gun operates at a maximum distance of 15 feet. The barbs are expelled by an explosion created by four-fifths of a grain of smokeless powder. This charge is responsible for the Taser being classified as a firearm by the federal Bureau of Alcohol, Tobacco and Firearms. Both barbs must make contact with the target to complete the electrical circuit. Then a low amperage, high voltage current is carried into the barbs via insulated wires. The current is harmless, even to persons with heart disease and those who are wearing pacemakers.

Early models of Taser were rejected by the Los Angeles Police Department as "technically unsound and mechanically unreliable." In late 1979, however, the Department conducted a 90-day field test of the weapon and found it

satisfactory, mainly against "extremely violent mentals and drug-crazed suspects." The weapon was employed 26 times during the field test, with five failures. Two of the failures were because the suspects' clothes were more than two inches thick and the barbs did not penetrate; one failure resulted from insufficient dart spread because the weapon was employed too close to the person against whom it was used. A third was a technical problem, since corrected, and the last was the result of operator error. The Los Angeles Police Department now has Taser units deployed in its field offices for appropriate use.

It should be noted that a 1976 examination of the Taser gun reported the main criticism was that in the hands of criminals it can cause death by indirect means in such a way that it would be extremely difficult for a coroner to determine the actual cause of the death (Show, 1976).

B. Capture Net. The capture net is, as its name implies, a net used for the apprehension of persons who can be ensnared within its folds. Obviously, it will not do for an armed confrontation. The net has been used since 1980 by the Los Angeles Sheriff's Department to handle persons under the influence of drugs. The net is attached to six-foot aluminum poles so that it is not necessary to approach too close to the subject. The poles come in three-foot sections that can be placed in a nylon bag. At times, fire extinguishers are employed to distract the person against whom the capture attempt is directed so that the net can be employed more effectively. In New York, the Emergency Service unit, which employs the Capture Net, often will use loud noise or sudden bright lights to frighten and disorient suspects before the net is brought into play. The Los Angeles Sheriff's Department reports effective use on a prisoner who had gone berserk in jail, as well as a man who assaulted his wife and then sought refuge in the garage.

Despite the confining space, the net proved successful in capturing him (Morrison, 1981).

Reports of use of the Capture Net in the New York press led to rebukes from civil rights groups as well as the Legal Advocacy Committee of the National Mental Health Association. The news story had pictures of an officer employing the net poles to prod a suspect who was being dragged. For some civil libertarians, the Capture Net seems too similar to the manner in which animals are dealt with. The police take a less (or perhaps more) sentimental view. The public information office of the Sheriff's department notes:

We don't want to use deadly force, and a net is a good alternative to it in many cases. It depends on the circumstances. Obviously we aren't going to let some innocent person be injured while we're waiting for the net to arrive.

Another officer put the matter more tersely: "It's better to scare them than to scrape them off the floor."

The Los Angeles inventory of non-lethal weapons describes the Capture Net in the following manner (L.A. Police Department, 1980, p. 25):

...a circular net of nylon cord. Draw ropes extend around the circumference of the net, enabling two people pulling in opposite directions to close the net around a person trapped within it. Capture Net weighs 19 pounds and costs about \$300 per unit.

The effect of the net is, the L.A. manual indicates, "containment and immobilization." It requires two officers to throw the net, a third to distract the subject. The usage is described in the following terms by the L.A. group: "When the suspect is covered with the net the draw ropes are

pulled and the net envelopes the suspect. Other means can then be used to subdue the suspect within the net." The L.A.P.D. did not adopt the net, noting that in simulation testing "it proved to be ineffective on uncooperative subjects when no fire extinguisher was used."

C. Monadnock. Monadnock is a 24-inch baton with a five-inch handle that protrudes perpendicular to the main shaft at a point two inches from one end. The baton is swung by the protruding handle. It weighs about 27 ounces, is made of a high-test plastic compound, and costs about \$15. The advantage over the regular baton is that the weapon may better be used for both offensive and defensive purposes.

Other advantages of the weapon over the standard baton is the fact that it appears to increase the confidence and effectiveness of smaller officers, according to the Los Angeles Police Department review. The weapon is also considered valuable because it is difficult to employ it to strike an individual above the shoulder, thereby greatly reducing the potential for head injuries. Training methods emphasize that the Monadnock should be directed at body areas below the shoulders.

D. Chemical Shield. The chemical shield is constituted of one percent CS aerosol liquid spray. The canister is about five inches long, lightweight, and usually is carried on the standard equipment belt. The chemical is sprayed into the face of the suspect, and the gas causes painful irritation to the eyes, nose, and throat. The Shield equipment can propel the spray up to 15 feet. Use is generally restricted to narcotics suspects who are behaving in a violent manner and persons deemed to be mentally disordered. Field reports from around the United States indicate that the Chemical Shield is more effective than Mace in incapacitating persons. A testament from the

Sheriff's Department in Tarrant County, Texas, captures the common reponse of agencies who have used Chemical Shield (L.A. Police Department, 1980, p. 7):

Works very fast and enables officers to subdue suspects without harm to themselves...no permanent change to suspects...works on everyone where Mace sometimes didn't.

More pointed is the comment from the police department in Groton Long Point, Connecticut: "...stops suspects dead in their tracks."

Among the disadvantages is the fact that the gas must disperse before the prisoner can be transported, and that the agent can be wafted over a wide area if there is a wind current, so that it sometimes becomes difficult to avoid transferring the effects to officers and bystanders.

Field tested for 90 days by the Los Angeles Police Department in late 1980, Chemical Shield was found to produce desired results in 70 percent of the cases. The effects on an assailant or potential assailant were found to be the following: (1) extreme tearing and discomfort to the eyes with involuntary closure; (2) tightness of chest and throat; (3) extreme nasal discharge; (4) stinging or burning sensation on skin areas; (5) headach, vertigo, disorientation; and (6) inability to take effective action. The fifth, of course, is a consequence of the preceding four physiological reactions to the agent.

E. Leg Grabber. The Leg Grabber is a scissors-like clamping device that is affixed to the end of a pole. A control mechanism on the handle of the pole allows the operator to open and close the clamps. The Leg Grabber is approximately eight feet long and resembles a tree trimmer. Obviously, the aim of its use is to subdue a suspect by grabbing his legs with the clamps while the officers remain at a safe distance. Use of the device usually

requires the involvement of three officers: two with Leg Grabbers, and a third to distract the person, sometimes by prodding at him with a long pole.

F. Action Chain Control (ACC). The ACC is a device made of two seven-foot poles connected by a mesh of three-foot long chains. Two persons use the instrument by thrusting its ends past the suspect's legs and then scissoring the poles behind his legs. When users apply outward pressure, the suspect's legs will be seized between the poles and the chains, thereby immobilizing them.

G. The Source. The Source is a rechargeable 13-inch flashlight which contains an electrically charged contact point at the butt end. When an officer touches a suspect with the contacts and pushes a button, a painful ultrasonic low amperage current is emitted. It causes reflexive withdrawal from intense pain, which can be inflicted through light clothing, such as a sports coat and shirt. Prolonged use, such as 15 to 20 seconds, can lead to minor burning at the contact point. The Source is regarded as the superior of nightstick and kel-lite usages in regard to the lesser lasting injury inflicted. The effect of The Source is said to be like "a shot of static electricity, much the same as you'd get from sliding your feet along the carpet and touching someone, only highly intensified" (Weller, 1931, p. 46). There is an automatic shutoff after about one-tenth of a second of contact, and the user has to press the switch again to re-prod the person against whom the weapon is being employed.

H. Mace/Curb. Mace and Curb are similar CN aerosol liquid sprays. They are sprayed into the face of the suspect. Released gas causes intense irritation to the eyes, nose, and throat. The weapon is widely used, despite some indication from the U.S. Surgeon General that there might be undue lasting effects from Mace. Departments throughout the nation do not report

civil suits involving the agent, nor known medical problems. There is evidence that Mace and Curb are not effective against some intoxicated persons. Disadvantages are virtually the same as those reported above for Chemical Shield.

I. The Iron Claw. The Iron Claw is a metal wrist clamp resembling an oversized handcuff. It is attached to a torque handle that allows the officer to open and close the clamp. It is designed to create discomfort in a suspect's wrist and by this means to induce cooperation and movement. It is used primarily on "passive resisters," according to the Los Angeles report.

J. Paralyzer. The Paralyzer involves the use of a two percent CS aerosol liquid spray. The aerosol canister is about five inches long, lightweight, and usually carried on the standard police equipment belt. It is sprayed into the face of the suspect, and can be effective for about 18 feet. As with similar agents, the result is irritation of eyes, nose, and throat. The Denver Police Department reports that Paralyzer had "greater stopping effect than Mace."

K. Waist Grabber. The Waist Grabber is a homemade device constructed of common plumbing pipe seven feet long with two-foot-wide jaws at one end. It resembles a miniature football goal post. It is a containment device used to pin a suspect to a wall. Its advantages are obvious; its shortcomings equally self-evident. The Los Angeles report concludes, reasonably enough, that it is "useful in limited circumstances."

L. Blunt trauma projectiles. The Chicago Law Enforcement Study Group review of non-lethal weapons notes a type that fires small fabric bags filled with metal shot (bean bags) or some similar material. An engineer also has developed a new type of blunt trauma weapon in which a soft rubber ring is fired from a special launcher affixed to a standard M-16 rifle and claims

that it overcomes many of the accuracy and physical injury problems of the bean bags. He described his projectiles as "aerodynamic bagels." Reviewing such weapons in general, the Chicago Group concluded that they are clumsy to handle, significantly less accurate than a .38 calibre revolver, and inflict damage to internal organs without necessarily displaying skin damage, thus raising an obstacle to medical treatment (Geller and Karates, 1981).

In conclusion, the thoroughgoing review of the surprisingly small number of non-lethal weapons now in use or proposed in the United States that was conducted by the Los Angeles Police Department comes to the following reasoned and reasonable conclusion (p. 7):

Clearly each of these devices could be useful in certain situations. However, it is just this determinate nature that makes them impractical for wide usage. As an additional indication of their impracticality, the Action Chain Control, Leg Grabber, and Waist Grabber will not even fit into a patrol car and thus have to be deployed specially for certain confrontations. Further, many of the devices require up to four officers to use. With the possible exception of the Taser (the reliability of which is still in question) none could be considered effective against an opponent armed with a firearm and some of the devices are not suitable defense against any kind of opponent weaponry.

In conclusion, the wide usage of non-lethal weapons as replacements for lethal ones is not in the foreseeable future. Until the time that new devices are developed

and/or current models refined, the role of less-than-lethal weapons will continue to be relegated for usage in special situations only. Clearly this is an area demanding further exploration.

There is no gainsaying the accuracy of this summary, nor any arguing with the last-sentence conclusion. More work assuredly needs to be done. What seems surprising, though, is the sparse results that have been obtained to date. In our introductory pages, we suggested a number of possible explanations for this condition, most particularly the relative disinterest of the military in non-lethal weapons and the resistance of law enforcement to the subject, that is, the low priority the matter has on police agendas. Both conditions are thoroughly understandable, but unfortunate. It appears, indeed, that the major thrust toward examination of non-lethal alternatives to the use of deadly force has come from the proliferation of civil suits against the nation's law enforcement agencies, that have been concomitant with the recourse to court actions for medical malpractice, civil rights violations, and similar real or assumed assaults against citizens by more powerful forces.

We can reiterate our own disappointment in regard to the unimaginative and limited arsenal of weapons that might take some of the pressure off the police in potentially lethal confrontations. This is a nation famed for its tinkering, its almost Rube Goldberg preoccupation with newer kinds of mouse-traps and marvelous consumer products, and its enormous engineering skills. It is a nation that sometimes seems to regard the winning of Nobel Prizes in the sciences as its monopoly. It seems reasonable to suggest that the absence of better non-lethal weapons for law enforcement to a considerable extent must reflect an unfortunate failure to direct energy and resources to the matter.

APPENDIX A

INTERVIEW FORM: POLITICAL LEADER

Code _____

I. General Background of Police Department's Use of Deadly Force Policy

1. How long have you been actively involved in politics in _____ (city)?

2a. How would you describe your political role in _____ (city)?

2b. How do your duties touch on issues related to police deadly force?

3. How generally do specific political groups in the community regard the police department? (Try to get S to specify opinion of specific groups toward police department.)

4a. Which political groups or agencies that you know of have publicly expressed the strongest concerns about police policy in the area of deadly force?

4b. Explain.

5a. What official actions have been taken regarding police deadly force by political groups in _____?

5b. When did these actions occur?

5c. What was impact of these actions?

6a. What types of political actions have you personally initiated that directly affect police policy?

6b. When did these occur?

7. What was impact of these actions?

II. Police Shooting Policy - Political View

1. How would you describe the present police shooting policy regulating deadly force?

2a. What specific changes in deadly force policy have occurred in the past three years?

2b. What has been impact of these changes?

3a. What systematic political efforts have been made to influence policy in this area?

3b. When did these efforts occur?

3c. What was impact of these efforts?

4a. Have there been any major legal actions which might have effected police uses of deadly force (suits, liability actions, etc.)?

4b. When did these occur?

4c. What was impact of these legal actions?

5a. What changes in the community at large might explain increases (or decreases) in police use of deadly force?

5b. Explain.

6a. What public speeches or statements have you personally made in regard to police uses of deadly force?

6b. When did these occur?

6c. What was impact of these speeches (or statements)?

7a. What major political changes have occurred in the past three years?

7b. When did these occur? (Power realliances, deaths of major officials, scandals, etc.)

7c. What has been impact of these changes?

III. Particular Controversial Shooting Incidents

1a. Have there been any particular controversial shooting incidents in _____?

1b. When did these occur? List.

1. _____
2. _____
3. _____
4. _____

2. What did you see as the general political implications of the aftermath of these incidents?

(INTERVIEWER PICK ONE CASE AT A TIME)

3. How did different political groups respond to the police handling of this incident?

4. How did different political groups respond to the legal handling of this case?

5. How did different political groups respond to the incident itself?

6a. Were some political groups publicly supportive of the officers in the shooting or the manner in which the incident was handled?

6b. Explain.

7a. Were there any major public political meetings in which this incident was discussed?

7b. Could you describe them?

7c. When did they occur?

8. What was impact, if any, of these meetings?

IV. Major Police Policy Changes

1a. Have there been any recent major police deadly force policy changes which you feel will effect deadly force by the department?

1b. Explain.

2a. Who initiated these changes?

2b. Explain.

3. Who opposed them?

4. Do you believe there has been an increase or decrease in police use of deadly force in the past three years?

5. To what do you attribute these changes?

6. Is there anything else you would like to share about police use of force in _____ (city)?

7. Do you have any suggestions as to other persons involved in politics we might contact who are knowledgeable or influential about police deadly force in _____?

THANK YOU

APPENDIX B

INTERVIEW FORM: COMMUNITY LEADERS

Code _____

I. General Community Response Toward Police Department's
Deadly Force Policy

1. How long have you been actively involved in community
affairs in _____ (city)?

2. How would you describe your role in the community?

3. How generally do other groups in the community regard the
police deadly force policy? (Try to get C.L. to specify
opinions of specific groups and other leaders toward
police deadly force policy.)

4a. Which community groups that you know of have publicly
expressed the strongest concerns about police policy in
area of deadly force?

4b. Explain.

5a. What direct actions have been taken by community groups
regarding police use of deadly force?

5b. When did these actions occur?

5c. Did these actions have any impact?

6a. What types of community actions have you taken in regard to police deadly force?

6b. When were these actions taken?

6c. Did they have any impact?

II. Police Shooting Policy: Community View

1. How would you describe the shooting policy of the _____ police department?

2a. What changes in police shooting policy have occurred in past several years?

2b. What was impact of these policy changes upon local community groups?

3. How did different community leaders respond to these changes?

III. Particular Controversial Shooting Incidents

1a. Have there been any particular controversial shooting incidents in _____?

1b. When did these occur? List.

1. _____
2. _____
3. _____
4. _____

1c. What has been the general impact of these controversial shootings upon the community and community groups?

2a. How did the chief or department handle the _____ incident?

2b. How did different community groups respond to police handling of the incident?

3a. Was there ever any legal action as a result of the incident?

3b. How did organized community groups respond to the legal handling of incident?

3c. What was impact of their responses to the legal handling of the incident?

4a. Was there conflict among different minority groups in terms of their response to this incident?

4b. How about the deadly force issue as a whole?

5a. Were there any street protests or disturbances regarding this incident?

5b. Which groups became involved?

5c. Were you personally involved?

5d. When did these occur?

6a. Were there any major public meetings in which this incident was discussed?

6b. Could you describe them?

6c. When did they occur?

7. What was impact, if any, of these meetings?

8. Did community leaders meet with the chief regarding the incident?

IV. Major Policy Changes in Police Deadly Force

1a. Have there been any recent major police policy changes (patrol patterns, hiring, community relations, etc.) which you feel will affect deadly force by the department?

1b. Explain.

1c. What was impact, if any, of these changes?

2. Who initiated these changes?

3. What have been different community groups' responses to these changes?

Can you suggest any other factors in the community which might possibly have affected police uses of deadly force in _____

_____?

Do you have any suggestions as to other community persons we might contact who are knowledgeable or influential about police use of deadly force policy in _____?

THANK YOU

APPENDIX C

INTERVIEW FORM: RANKING POLICE OFFICER

Code _____

I. General Background of Police Department's Deadly Force Policy

1. How long have you been associated with _____
(police department)?

2. How would you describe your role in _____
(police department)?

3. How familiar are you with the department's deadly force policy?

4. Could you generally describe it for me? _____

5. How do different groups in the community generally regard this
policy? (Try to get 5 to specify opinion of specific groups
toward police department.)

6. Which persons or groups do you see expressing the greatest
public concern with the police policy and practice of deadly
force?

II. Present Deadly Force Policy

1. How has the present use of deadly force policy evolved?

2. How is it different from earlier policy? _____

3. When did the deadly force policy change? _____

4. What specific changes in deadly force policy have occurred in the past three years?

4a. What seems to have been the impact of these policy changes?

5. Which persons or groups helped initiate this present policy?

6a. Were there any major police controversies or tensions among different groups within the department over the deadly force policy? (unions, legal advisors, heads of divisions, etc.)

6b. What seems to have been the impact of this controversy?

7a. When specifically did these controversies surface?

7b. Which different groups within the department were involved?

8a. Did any of these groups take any legal actions to change the department's deadly force policy?

8b. When did these actions occur?

8c. What was the impact, if any, of these legal actions?

III. Particular Controversial Shooting Incidents and Aftermaths

1. Have there been any recent controversial shooting incidents in

_____?

2. Could you describe this (these) incident(s)?

3. When did these occur? List:

1. _____

2. _____

3. _____

4. _____

(INTERVIEWER PICK ONE CASE AT A TIME)

1. How did the department handle the _____ incident? How did various groups in the city respond to the manner in which the incident was handled? Was there a major controversy about this incident?

2. How did the police union respond?

3. Was there conflict among different political or community groups in terms of their response to this incident?

4a. Were there any major public meetings in which this incident was discussed?

4b. Could you describe them?

4c. When did they occur?

4d. What was impact of these meetings?

5a. Were there any major street demonstrations as an aftermath of the shooting?

5b. When did these occur?

5c. What happened?

IV. Major Policy Changes

1a. Have there been any recent major policy changes (in tactics, review policies, administrative changes, etc.)

1b. Explain.

1c. When did these occur?

2a. Who initiated these changes?

2b. Explain.

3a. Who has opposed them?

3b. Explain.

4. Do you believe that use of deadly force has increased or decreased in the past three years?

5. To what do you attribute these changes?

6. Is there anything else you would like to share about police uses of deadly force in _____ (city)?

7. Do you have suggestions as to other persons we might contact who are knowledgeable or influential about deadly force policy in _____?

THANK YOU

APPENDIX D

INTERVIEW FORM: INTERVIEWS OF SHOOTERS AND
NON-SHOOTERS

Incident Code _____

(If more than one officer is involved
use consecutive lettering after incident code)

DEADLY FORCE INCIDENT
DEBRIEFING INTERVIEW

SECTIONS

- I. Introduction
- II. Activity Prior to Incident
- III. Initial Contact
- IV. Transactions with Subject
- V. Final Frame
 - V(a) Shooters
 - V(b) Non-Shooters
- VI. Aftermath and Insights

Section I: Introduction

We understand that you were in an incident that involved (or could have involved) the use of deadly force. [Describe incident.] We would like to ask you some questions about it. Your answers will be treated in the strictest of confidence. We will identify your responses only by number.

Section II: Activity Prior to Incident

- A. How would you characterize your week immediately prior to the incident?
 - _____ 1. Unusually quiet
 - _____ 2. Moderately quiet
 - _____ 3. Normal
 - _____ 4. Moderately busy
 - _____ 5. Unusually busy

B. What events caused you to characterize your week in this manner?

C. What activity were you engaged in at the time of your becoming aware of the incident?

- 1. General patrol
- 2. Specialized patrol
- 3. Plainclothes - Decoy
- 4. Stake out
- 5. Traffic law enforcement
- 6. Investigation (warrant or apprehension)
- 7. Off duty
- 8. Other _____
(name)

D. Were you working alone or with other officers? _____
If with other officers, how many? _____
Was a backup called? _____ Automatically sent? _____

E. What was your relationship with the officer or officers that you were working with at the time of the incident?

- 1. Regular partner
- 2. Occasional partner
- 3. New partner
- 4. Trainee or rookie
- 5. Other _____
(name)

F. How confident were you in the ability of the officer or officers that you were working with to handle a crisis incident?

- _____ 1. Very confident
- _____ 2. Somewhat confident
- _____ 3. Unsure
- _____ 4. Not particularly confident
- _____ 5. Not confident at all

G. How did you become involved in the incident?

- _____ 1. Dispatched
- _____ 2. Citizen contact
- _____ 3. Officer initiated
- _____ 4. Assignment
- _____ 5. Observation
- _____ 6. Other _____
(name)

H. What were the circumstances that required police attention, e.g., type of case--robbery in progress, burglary, domestic dispute; type of action--field interrogation, follow-up on all-points bulletin; type of assignments--stake out, decoy, surveillance; type of observation--hear shots or screams, see fight?

I. What information did you have about the subject at this point?

J. Had you ever encountered the particular individual in the incident?

_____ 1. Yes

_____ 2. No

If yes, did anything unusual occur? Describe.

K. Had you ever personally answered a call in this area?

_____ 1. Yes

_____ 2. No

If yes, did anything unusual occur? Describe.

L. Based on this information were you aware that this situation might involve a possible use of deadly force?

_____ 1. No awareness of risk

_____ 2. Some awareness of risk

_____ 3. A sense that this might possibly be a use of deadly force situation

_____ 4. A sense that this would probably be a possible use of deadly force situation

_____ 5. A sense that this would almost certainly be a possible use of deadly force situation

M. How would you rate the neighborhood of the call in terms of the risk of violence?

- 1. Low risk
- 2. Moderate risk
- 3. Ambiguous risk
- 4. High risk
- 5. Very high risk

N. Did you make any plans prior to arrival on the scene?

- 1. Yes
- 2. No

If yes, describe. _____

O. Could you describe your notion of what you would encounter during the episode?

Section III: Initial Contact

A. Upon arriving on the scene what did you observe?

B. Did these observations and information offered by other officers on scene (or citizens) contradict or support information received earlier?

- 1. Completely contradicted earlier information
- 2. Modified earlier information
- 3. Partially modified earlier information
- 4. Generally supported earlier information
- 5. Almost completely supported earlier information

C. What was the subject physically doing when you first encountered him/her?

- 1. Running
- 2. Hiding
- 3. Retreating
- 4. Standing
- 5. Moving forward
- 6. Threatening
- 7. Attacking
- 8. Other _____
(name)

D. Did this person appear to be armed?

- 1. Yes
- 2. No
- 3. Uncertain

E. What did he/she appear to be armed with?

- 1. Club
- 2. Stick
- 3. Knife
- 4. Pistol
- 5. Rifle
- 6. Shotgun
- 7. Other _____
(name)

F. What was the apparent emotional state of the subject?

- 1. Calm
- 2. Agitated
- 3. Angry
- 4. Insane
- 5. Friendly
- 6. Other _____
(name)
- 7. Uncertain

G. Did you perceive that alcohol or narcotics was effecting his/her behavior?

- 1. Yes
- 2. No

If yes, describe: _____

H. Upon encountering the subject, how much of a threaat to you or others did you assess him/her to be?

- 1. No threat
- 2. Possible threat
- 3. Probable threat
- 4. Almost certaint threat
- 5. Uncertain

I. Based on these initial impressions, what action(s) did you tke? (Indicate as many items as are relevant.)

- 1. None
- 2. Maintain vigilance
- 3. Apprehend the suspect
- 4. Tried to engage the participant in conversation
- 5. Unholster weapon
- 6. Point weapon
- 7. Take cover
- 8. Call for additional assistance
- 9. Other _____
(name)

J. Did you work through a tactical plan at this point to deal with the subject?

- 1. No plan
- 2. A partial plan
- 3. Comprehensive plan

If there was a plan, what was it? _____

K. At this point in the incident, were you aware this was a possible use of deadly force situation?

- 1. No awareness of risk
- 2. Some awareness of risk
- 3. A sense that this might be a possible use of deadly force situation.
- 4. A sense that this would be a strongly probable use of deadly force situation
- 5. A sense that this would almost certainly be a use of deadly force situation

Section IV: Transactions with Subject(s)

A. After confronting the subject, how far apart were you? (Estimate)

- 1. Less than 10 feet
- 2. Ten to 20 feet
- 3. Twenty to 60 feet
- 4. Sixty to 100 feet
- 5. Greater than 100 feet

B. What was the first thing you said to the subject?

- 1. Attempted to establish contact with subject
 - 2. Attempted to distract subject
 - 3. Ordered him to freeze, stop or drop weapon
 - 4. Ordered him to do something other than above
 - 5. Attempted to deal with nature of conflict
- Describe _____

C. Did subject immediately comply with command or other first statement?

- 1. Yes
- 2. No

D. What kinds of verbal communication do you recall between you and the subject(s)? Describe.

E. What nonverbal communication (gesturing, signaling, etc.) occurred between you and the subject? Describe.

F. How long would you estimate the total duration of the communication (verbal or nonverbal) between you and the subject(s)?

G. What seemed to be emotional impact of dialogue upon subject(s)?

- 1. Subject becomes much angrier or agitated
- 2. Subject becomes somewhat more agitated or angry
- 3. Emotional state unchanged
- 4. Subject becomes somewhat calmer
- 5. Subject becomes much calmer

Describe _____

H. After observing impact of the initial transaction with subjects, how aware were you that this would develop into a possible use of deadly force situation?

- 1. No awareness of risk
- 2. Some awareness of risk
- 3. Awareness that this could possibly be a use of deadly force situation.
- 4. Awareness that this would probably be a use of deadly force situation
- 5. Awareness that this would almost certainly be a use of deadly force situation

- I. Would you draw us a diagram of relative positions of you, other officers and subject(s) during the communication with subject described above?
-

- J. Based on your assessment of risk and the impact of the communication with the subject, what actions did you take? (Check as many as apply.)

1. None
2. Maintain vigilance
3. Continue to try to engage the participants in conversation
4. Unholster weapon
5. Point weapon
6. Take cover
7. Call for backup
8. Other _____
(describe)
-

- K. What weapons did you possess during the episode? (Check as many as apply.)

1. Handcuffs
2. Nightstick
3. Mace
4. Sap
5. Regulation pistol
6. Another pistol
7. Rifle
8. Shotgun
9. Other _____
(name)

Section V: Final Frame -- (a) Shooters :

A. What was the flow of events leading to the decision to use deadly force (precipitating event). Carefully note steps taken specifically to avoid use of deadly force.

B. What, in your mind, was your justification for using deadly force?

- 1. Apprehend fleeing felon
- 2. Stop dangerous/fleeing felon
- 3. Protect own life
- 4. Protect other officer's life
- 5. Protect citizen's life
- 6. Prevent commission of crime
- 7. Other _____
(name)

C. What actions had the subject taken toward you?

- 1. Ran away when commanded to stop
- 2. Attacked with bare hands
- 3. Attacked with blunt object
- 4. Attacked with sharp object
- 5. Held firearm and refused command
- 6. Pointed firearm
- 7. Fired Firearm
- 8. Other _____
(name)

D. What protection from assailant did you have easily available?

- 1. Hard cover
- 2. Soft cover
- 3. No cover

E. Were you wearing protective clothing at time of shooting?

_____ 1. Yes

_____ 2. No

F. Did other officers fire in the incident before you fired?

_____ 1. Yes

_____ 2. No

If yes, how many? _____

G. Did you think other officers would support your use of deadly force in the incident?

_____ 1. Almost all would

_____ 2. Some would

_____ 3. About half and half

_____ 4. A few would

_____ 5. Almost none would

H. Do you think officers would have supported a decision not to use deadly force in this situation?

_____ 1. Almost all would

_____ 2. Some would

_____ 3. About half and half

_____ 4. A few would

_____ 5. Almost none would

I. What other factors did you consider in deciding to use deadly force, e.g., law, policy, community relations, protection of property, etc.? Explain in your own words.

J. Is there anything else you would like to share regarding your decision in this episode?

Section V: Final Frame -- (b) Non-Shooters

A. What was the flow of events which led to the decision not to use deadly force even though you felt justified doing so. Carefully note steps taken specifically to avoid use of deadly force.

B. Did you feel you had a legal right to use deadly force in this situation?

- 1. Yes
- 2. No
- 3. Ambiguous

C. (If yes) What would this legal justification have been?

- 1. Apprehend fleeing felon
- 2. Stop dangerous/fleeing felon
- 3. Protect own life
- 4. Protect other officer's life
- 5. Protect citizen's life
- 6. Prevent commission of crime
- 7. Other _____
(name)

D. What actions had the subject taken immediately prior to your decision not to use deadly force?

- 1. Ran away when commanded to stop
- 2. Attacked with bare hands
- 3. Attacked with blunt object
- 4. Attacked with sharp object
- 5. Held firearm and refused command
- 6. Pointed firearm
- 7. Fired Firearm
- 8. Other _____
(name)

E. What protection from assailant did you have easily available?

- 1. Hard cover
- 2. Soft cover
- 3. No cover

F. Were you wearing protective clothing at time of incident?

- 1. Yes
- 2. No

G. Did other officers fire in the incident?

- 1. Yes
- 2. No

I yes, how many? _____

H. Did you think other officers would support your decision not to use deadly force in this situation?

- 1. Almost all would
- 2. Some would
- 3. About half and half
- 4. A few would
- 5. Almost none would

I. Would other officers have supported you in a decision to shoot in this situation?

- 1. Almost all would
- 2. Some would
- 3. About half and half
- 4. A few would
- 5. Almost none would

J. What other factors did you consider in deciding not to use deadly force, e.g., law, policy, community relations, protection of property, etc.? Explain in your own words.

K. Is there anything else you would like to share about this incident?

Section VI: Aftermath and Insights

A. Were you injured as a result of the incident?

- 1. Yes
- 2. No

If yes, how seriously? _____

B. Was the subject injured as a result of the incident?

- 1. Yes
- 2. No

If yes, how seriously? _____

C. Was the subject's injury a direct result of your actions?

_____ 1. Yes

_____ 2. No

If yes, describe the circumstances _____

D. Was anybody else injured as a result of the incident?

_____ 1. Yes

_____ 2. No

If yes, describe who, how seriously, and by whom?

E. What happened to you after the incident?

F. How did other officers react to your decision?

_____ 1. Very positively

_____ 2. Somewhat positively

_____ 3. Neutral or non-committal

_____ 4. Somewhat negatively

_____ 5. Very negatively

Explain basis _____

G. How did your immediate supervisor react?

- 1. Very positively
- 2. Somewhat positively
- 3. Neutral or non-committal
- 4. Somewhat negatively
- 5. Very negatively

Explain basis _____

H. How did the police administration react to your decision?

- 1. Very positively
- 2. Somewhat positively
- 3. Neutral or non-committal
- 4. Somewhat negatively
- 5. Very negatively

Explain basis _____

I. Was there a great deal of medial publicity about the incident?

J. Was there any community reaction to the incident?

K. How have you personally coped with this experience?

L. Looking backwards, is there any particular thing which you felt was important in making the incident turn out as it did?

M. Is there any way you would have replayed the incident if you had it to do again?

N. Do you think you were given the proper guidance and assistance by the department in handling such incidents? Is policy adequate?

O. How well do you feel you were trained to cope with the incident?

- _____ 1. Well prepared
- _____ 2. Adequately prepared
- _____ 3. Somewhat prepared
- _____ 4. Not well prepared
- _____ 5. Poorly prepared

P. How accurate was the information you received from police sources regarding the subjects and their actions?

- _____ 1. Excellent
- _____ 2. Good
- _____ 3. Adequate
- _____ 4. Poor
- _____ 5. Very poor

Q. Is there anything you want to add to the discussion?

· APPENDIX E

CRITICAL INCIDENT SURVEY: MIAMI

CRITICAL INCIDENT INSTRUMENT

1. The policy of the Miami Police Department is that all members shall exhaust every other reasonable means of apprehension before resorting to the use of deadly force. An officer has the authority to:
- a. Use deadly force to apprehend a fleeing felon.
T F
- b. Defend himself and others from immediate danger, great bodily harm or death.
T F
- c. Effect the arrest or capture of a misdemeanant.
T F
2. The department's policy says that an officer must comply with State law before deadly force is used. The specific provisions discussed are that:
- a. An officer must reasonably believe that a felony has been committed or is being committed, and reasonably believe the person the officer is about to arrest or apprehend is the person who has committed the felony.
T F
- b. An officer, if possible, must have informed the felon of the officer's authority and of intention or purpose to arrest.
T F
- c. An officer shall exert no more force than is reasonably necessary and only use force as a last resort.
T F
3. According to existing departmental policy an officer may use deadly force to effect the capture of a driver of a suspected or allegedly stolen motor vehicle.
T F
4. Departmental policy authorizes an officer to draw his weapon only when its legal use is anticipated.
T F
5. When a member of the Miami Police Department fires his weapon he shall notify _____
as soon as possible and a _____
_____ shall be prepared and submitted through channels, to the Chief of Police.

6. At 2130 on Friday, November 12, you are dispatched to Flagler and 12th in response to a burglar alarm. You are the first unit to arrive on the scene and notice that the front window of a small camera store has been smashed. While there is nobody in the immediate vicinity of the store you do see two young adult males at the other end of the block walking quickly away from the scene. Each is carrying something. You call upon them to stop and they break into a run. You return to your unit notifying communications of the circumstances and that you are pursuing in your car. As you follow them around a corner, you see the subjects run between two buildings. You stop your car and continue the pursuit on foot. The subjects split up and you follow one. After a few minutes it is obvious that you will lose the remaining subject. What is your next action?
- a. Give up the pursuit, returning to the scene of the original incident to complete your investigation.
 - b. Shoot at subject to apprehend him.
 - c. Return to your car to obtain help so you can continue the search.
7. At 2210 on Saturday, December 12, you are dispatched to N.E. Miami Place and 14th Street in response to a "shooting" call. Upon arrival on the scene you observe a large black man waving something metallic indiscriminately. As you pull up, the man turns toward your vehicle, sees that you are the police, turns, runs toward a private residence, enters it. As you get out of your unit, a large black man appears in a lighted window near the door the subject entered. In the meantime, your backup has arrived. What is your next action?
- a. Wait for further developments.
 - b. Move cautiously toward the house.
 - c. Prepare to use your gun.
8. At 1915 on Wednesday, July 12, you are working in plain clothes at 15th Ave. and 61st serving as a backup for an undercover officer who is making a heroin buy and then an arrest. As you observe the transaction from across the street you notice that the officer and the seller are arguing and suddenly the seller pushes the officer down and starts to run away both from the scene and where he is standing. What is your next action?
- a. Shoot at the fleeing subject.
 - b. Run after the fleeing subject.
 - c. Call for additional assistance.

9. At 0135 on Monday, May 12, you are dispatched to N.E. Miami Place and 14th Street in response to a "disturbance" call. As you arrive on the scene you hear loud noises and screaming coming from a first floor apartment. Another unit arrives at approximately the same time you do. You and the other officer approach the door of the apartment, knock on it, and demand entrance. A male voice from inside says "anyone who comes through that door gets his head blown off." What is your next action?
- a. Call for additional assistance.
 - b. Try to obtain further information about what is going on in the apartment.
 - c. Draw your weapons and try to force the door to secure entrance.
10. At 1720, on Tuesday, September 28, while parked near 27th and Biscayne you note a vehicle with four Latin male juveniles waiting at a stop light. You recognize the auto as one taken from a nearby parking lot earlier in the day. As the light changes you start to pursue the car. You notify communications of your status and location. As you come up behind the still moving subject vehicle you signal it to pull over. Instead the vehicle takes off at high speed. After pursuing the vehicle at high speed in heavy traffic for several minutes, it is obvious that the chase is becoming more and more dangerous to the public, the subjects, and you. What is your next action?
- a. Terminate the pursuit.
 - b. Continue the pursuit.
 - c. Try to shoot out a tire.
11. At 2345 on Friday, February 15, you are dispatched to Douglas and Grand to handle a fight in a bar complaint. Upon your arrival you notice that another officer's vehicle is parked in front of the bar. You enter the establishment to see an officer backed into a corner with two assailants slowly moving in. They are obviously drunk. One is unarmed and the other has a chair leg in his hand. The officer has his night stick in his hand. What is your next action?
- a. Inform the participants of your presence.
 - b. Draw your gun.
 - c. Move in on the subject with the weapon with your night stick.

12. It is 0200 on Thursday, March 17, and you are on general patrol near N.E. 3rd Ct. and 54th St. You observe a male juvenile and a female juvenile (teenagers) run from a 24-hour convenience store. They are immediately followed by a middle-aged man who is yelling something about a robbery. The subjects run across a parking lot and are about to go between two buildings. What is your next action?

- a. Call for assistance to arrange for a search.
- b. Question the victim as to what happened.
- c. Pursue the subjects with your gun at the ready.

13. At 2215 on Tuesday, January 22, you are dispatched to S.W. 2nd and 7th Avenue in response to a "proowler" call. As you arrive on the scene you see a movement and a flash of metal in the bushes next to a residence. What is your next action?

- a. Call for assistance and await further developments.
- b. Take a position behind your vehicle and call for the subject to come from behind the bushes with his hands up.
- c. Draw your gun and approach the bushes cautiously.

14. Is the present departmental "discharge of firearms" policy adequate?

yes

no

If you checked "no," in what way is it inadequate?

APPENDIX F

CRITICAL INCIDENT SURVEY: OAKLAND

CRITICAL INCIDENT INSTRUMENT

1. It is the policy of the Oakland Police Department that all officers shall use deadly force only when all other means have failed and it is required to:

- a. Apprehend a fleeing felon.
T F
- b. Prevent death or great bodily harm to the officer or another person
T F
- c. Effect the arrest or capture of a burglary suspect.
T F

2. According to existing departmental policy an officer may use deadly force to effect the capture of a driver of an allegedly stolen motor vehicle.

T F

3. Departmental policy authorizes an officer to fire a warning shot.

T F

4. When a member of the Oakland Police Department fires his weapon either officially or accidentally, except at an approved range, he shall notify

_____ immediately and a

shall be prepared by the member firing the weapon and submitted, through channels, to the Chief of Police.

5. At 2130 on Friday, November 12, you are dispatched to Foothill and 57th in response to a burglar alarm. You are the first unit to arrive on the scene and notice that the front window of a small camera store has been smashed. While there is nobody in the immediate vicinity of the store you do see two young adult males at the other end of the block walking quickly away from the scene. Each is carrying something. You call upon them to stop and they break into a run. You return to your unit notifying communications of the circumstances and that you are pursuing in your car. As you follow them around a corner, you see the subjects run between two buildings. You stop your car and continue the pursuit on foot. The subjects split up and you follow one. After a few minutes it is obvious that you will lose the remaining subject. What is your next action?

- a. Give up the pursuit, returning to the scene of the original incident to complete your investigation.
- b. Shoot at subject to apprehend him.
- c. Return to your car to obtain help so you can continue the search.
- d. Other, describe _____.

6. At 2210 on Saturday, December 12, you are dispatched to 7200 Arthur in response to a "shooting" call. Upon arrival on the scene you observe a large black man waving something metallic indiscriminately. As you pull up, the man turns toward your vehicle, sees that you are the police, turns, runs toward a private residence, and enters it. As you get out of your unit, a large black man appears in a lighted window near the door the subject entered. In the meantime, your backup has arrived. What is your next action?

- a. Wait for further developments.
- b. Move cautiously toward the house.
- c. Prepare to use your gun.
- d. Other, describe _____.

7. At 1915 on Wednesday, July 12, you are working in plain clothes at 14th Street and Jefferson serving as a backup for an undercover officer who is making a heroin buy and then an arrest. As you observe the transaction from across the street you notice that the officer and the seller are arguing and suddenly the seller pushes the officer down and starts to run away both from the scene and where he is standing. What is your next action?

- a. Shoot at the fleeing subject.
- b. Run after the fleeing subject.
- c. Call for additional assistance.
- d. Other, describe _____.

8. At 0135 on Monday, May 12, you are dispatched to 2001 E. 18th in response to a "disturbance" call. As you arrive on the scene you hear loud noises and screaming coming from a first floor apartment. Another unit arrives at approximately the same time you do. You and the other officer approach the door of the apartment, knock on it, and demand entrance. A male voice from inside says "anyone who comes through that door gets his head blown off." What is your next action?

- a. Call for additional assistance.
- b. Try to obtain further information about what is going on in the apartment.
- c. Draw your weapons and try to force the door to secure entrance.
- d. Other, describe _____.

9. At 1720, on Tuesday, September 28, while parked near 37th and E. 14th you note a vehicle with four Latin male juveniles waiting at a stop light. You recognize the auto as one taken from a nearby parking lot earlier in the day. As the light changes you start to pursue the car. You notify communications of your status and location. As you come up behind the still moving subject vehicle you signal it to pull over. Instead the vehicle takes off at high speed. After pursuing the vehicle at high speed in heavy traffic for several minutes, it is obvious that the chase is becoming more and more dangerous to the public, the subjects and you. What is your next action?

- a. Terminate the pursuit.
- b. Continue the pursuit.
- c. Try to shoot out a tire.
- d. Other, describe _____.

10. At 2345 on Friday, February 15, you are dispatched to 59th Street and Dover to handle a fight in a bar complaint. Upon your arrival you notice that another officer's vehicle is parked in front of the bar. You enter the establishment to see an officer backed into a corner with two assailants slowly moving in. They are obviously drunk. One is unarmed and the other has a chair leg in his hand. The officer has his night stick in his hand. What is your next action?

- a. Inform the participants of your presence.
- b. Draw your gun.
- c. Move in on the subject with the weapon with your night stick.
- d. Other, describe _____.

11. It is 0200 on Thursday, March 17, and you are on general patrol near 25th Avenue and Foothill Blvd. You observe a male juvenile and a female juvenile (teenagers) run from a 24-hour convenience store. They are immediately followed by a middle-aged man who is yelling something about a robbery. The subjects run across a parking lot and are about to go between two buildings. What is your next action?

- ___ a. Call for assistance to arrange for a search.
- ___ b. Question the victim as to what happened.
- ___ c. Pursue the subjects with your gun at the ready.
- ___ d. Other, describe _____

12. At 2215 on Tuesday, January 22, you are dispatched to the 1800 block of Longridge in response to a "proowler" call. As you arrive on the scene you see a movement and a flash of metal in the bushes next to a residence. What is your next action?

- ___ a. Call for assistance and await further developments.
- ___ b. Take a position behind your vehicle and call for the subject to come from behind the bushes with his hands up.
- ___ c. Draw your gun and approach the bushes cautiously.
- ___ d. Other, describe _____

13. Is the present departmental "Deadly Force" policy adequate?
yes no

If you checked "no," in what way is it inadequate?

APPENDIX G

CRITICAL INCIDENT SURVEY: BIRMINGHAM

CRITICAL INCIDENT INSTRUMENT

1. The policy of the Birmingham Police Department is that all members shall exhaust every other reasonable means of apprehension before resorting to the use of deadly force. An officer has the authority to:
- a. Use deadly force to apprehend all fleeing felons.
T F
- b. Defend himself and others from immediate danger, great bodily harm or death.
T F
- c. Effect the arrest or capture of a misdemeanor.
T F
2. Although Alabama state law permits the use of lethal force to protect life and property in certain circumstances, the policy of the Birmingham Police Department allows lethal force only if:
- a. An officer has clear information that a felony has been committed or is being committed, and equally clear information that the person the officer is about to arrest or apprehend is the person who has committed the felony.
T F
- b. An officer reasonably believes that lethal force has been used in the commission of a felony or that lethal force will be used against him or against another person.
T F
- c. An officer's life or the life of another person is threatened by a suspected felon.
T F
3. According to existing Departmental policy, an officer may use lethal force:
- a. To effect the capture of a driver of a suspected or allegedly stolen motor vehicle.
T F
- b. To effect the capture of a man who has completed a rape, after all reasonable alternatives to effect the apprehension have been exhausted.
T F
- c. When a suspect is armed with a knife and attempts to flee.
T F
- d. In the apprehension of a burglar when the officer has knowledge that the suspect has committed the burglary with a gun in his possession.
T F

4. Departmental policy authorizes an officer to draw his weapon only when its legal use is anticipated.

T	F

5. When a member of the Birmingham Police Department fires his weapon he shall notify _____

as soon as possible and a _____ shall be prepared and submitted through _____ channels, to the Chief of Police.

6. At 2130 on Friday, July 25, you are dispatched to the 1900 block of 3rd Avenue N. in response to a burglar alarm. You are the first unit to arrive on the scene and notice that the front window of a small camera store has been smashed. While there is nobody in the immediate vicinity of the store you do see two young adult males at the other end of the block walking quickly away from the scene. Each is carrying something. You call upon them to stop and they break into a run. You return to your unit notifying communications of the circumstances and that you are pursuing in your car. As you follow them around a corner, you see the subjects run between two buildings. You stop your car and continue the pursuit on foot. The subjects split up and you follow one. Subject runs into an adjacent park and you lose visual contact with him. What is your next action?

- _____ a. Give up the pursuit, returning to the scene of the original incident to complete your investigation.
- _____ b. Continue pursuit in an attempt to apprehend.
- _____ c. Return to your car to obtain help so you can continue the search.

7. At 2210 on Saturday, August 2, you are dispatched to Airport Highway at 41st N. in response to a "shooting" call. Upon arrival on the scene you observe a large black man waving something metallic indiscriminately. As you pull up, the man turns toward your vehicle, sees that you are the police, turns, runs toward a private residence, and enters it. As you get out of your unit, a large black man appears in a lighted window near the door the subject entered. In the meantime, your backup has arrived, and after discussion with you, has taken a position at the rear of the house. What is your next action?

- _____ a. Wait for further developments.
- _____ b. Move cautiously toward the house.
- _____ c. Prepare to use your gun.

8. At 1915 on Wednesday, September 12, you are working in plain clothes at 14th Street S. and 11th Avenue S. serving as a backup for an undercover officer who is making a heroin buy and then an arrest. As you observe the transaction from across the street you notice that the officer and the seller are arguing and suddenly the seller strikes the officer on head with a bottle and starts to run away both from the scene and where he is standing. What is your next action?
- a. Shoot at the fleeing subject.
 - b. Run after the fleeing subject.
 - c. Call for additional assistance.
9. At 0135 on Monday, July 12, you are dispatched to the 7900 block of 4th Avenue S. in response to a "disturbance" call. As you arrive on the scene you hear loud noises and screaming coming from a first floor apartment. Another unit arrives at approximately the same time you do. You and the other officer approach the door of the apartment, knock on it, and demand entrance. A male voice from inside says "anyone who comes through that door gets his head blown off." What is your next action?
- a. Call for additional assistance.
 - b. Try to obtain further information about what is going on in the apartment.
 - c. Draw your weapons and try to force the door to secure entrance.
10. At 1720, on Tuesday, August 11, while parked near Ensley Avenue and 18th Street you note a vehicle with four young black males waiting at a stop light. You recognize the auto as one taken from a nearby parking lot earlier in the day. As the light changes you start to pursue the car. You notify communications of your status and location. As you come up behind the still moving subject vehicle you signal it to pull over. Instead the vehicle takes off at high speed. After pursuing the vehicle at high speed in heavy traffic for several minutes, it is obvious that the chase is becoming more and more dangerous to the public, the subjects, and you. What is your next action?
- a. Terminate the pursuit.
 - b. Continue the pursuit.
 - c. Try to shoot out a tire.

11. At 2345 on Friday, September 5, you are dispatched to 3rd Avenue N. and 3rd Street N. to handle a fight in a bar complaint. Upon your arrival you notice that another officer's vehicle is parked in front of the bar. You enter the establishment to see an officer backed into a corner with two assailants slowly moving in. They are obviously drunk. One is unarmed and the other has a chair leg in his hand. The officer has his night stick in his hand. What is your next action?

- a. Inform the participants of your presence.
- b. Draw your gun.
- c. Move in on the subject with the weapon with your night stick.

12. It is 0200 on Thursday, July 17, and you are on general patrol near Old Springvill Road and Huffman Road. You observe a young male and a young female run from a 24-hour convenience store. They are immediately followed by a middle-aged man who is yelling something about a robbery. The subjects run across a parking lot and are about to go between two buildings. What is your next action?

- a. Call for assistance to arrange for a search.
- b. Question the victim as to what happened.
- c. Pursue the subjects with your gun at the ready.

13. At 2215 on Tuesday, August 26, you are dispatched to the 2400 block of 35th Avenue N. in response to a "prowler" call. As you arrive on the scene you see a movement and a flash of metal in the bushes next to a residence. What is your next action?

- a. Call for assistance and await further developments.
- b. Take a position behind your vehicle and call for the subject to come from behind the bushes with his hands up.
- c. Draw your gun and approach the bushes cautiously.

14. Is the present departmental "discharge of firearms" policy adequate?

<input type="checkbox"/>	<input type="checkbox"/>
yes	no

If you checked "no," in what way is it inadequate?

APPENDIX H

CRITICAL INCIDENT SURVEY: NEWARK

POLICE DEADLY FORCE SURVEY

PROLOGUE

Police officers in our nation's cities regularly face situations in which the use of deadly force may be used. In spite of legal justifications there are many situations in which officers do not employ deadly force. The hypothetical cases which follow are designed to test your reactions. There are no right or wrong answers. We ask that you analyze each situation and select the answer which best describe either how you would react or how you have reacted in similar situations.

You should not put your name on this form. Your answers will be kept in strictest confidence.

DIVISION _____

RANK _____

EXPERIENCE _____ 0-3 years

_____ 3-9 years

_____ 10-15 years

_____ More than 15 years

I

John Smith is a notorious cat-burglar who is well known to you. At roll call you learn through official department sources that a warrant for burglary of an occupied dwelling has been issued for Smith. While on patrol that same night you spot Smith walking on the street. He sees you and begins to run. You chase him on foot for a considerable distance and are beginning to tire. Which of the below answers best describes the course of action you would take.

- A. Shoot to kill, it is justifiable.
- B. Fire a warning shot. If he fails to halt, shoot to kill.
- C. Fire a warning shot. If he fails to halt, do not take direct aim and use deadly force. Let him escape if necessary.
- D. Let him escape. Do not fire a warning shot or use deadly force. It's only a property crime and the suspect is so well known, it's only a question of time before someone grabs him.

II

You are off-duty, in your private auto travelling in rush hour traffic. You come to a halt behind a vehicle containing two women who are stopped for a red light. You observe a young man, approx. 17-19, approach on foot the passenger side of the women's car, throw open the car door and reach in grabbing a purse. Which of the below best describes the action you would take:

- A. Take no action unless it appeared the suspect was about to harm the women. You're off-duty and it's not worth getting involved.
- B. Exit the car and attempt to apprehend the suspect by physical force only.
- C. Exit the car, draw your weapon and after identifying yourself as a police officer order the suspect to halt. If the suspect runs possibly fire a warning shot but do not resort to direct fire even if the suspect escapes.
- D. Same as above except if the suspect appears to be escaping, shoot to kill.

You and your partner are on-duty working a sector radio car when you spot a man and a youth engaged in a suspected narcotics transaction. As you pull over to investigate, both suspects bolt and run in separate directions. Your partner chases the adult in one direction while you pursue the youth in another direction. During the chase the youth throws a small paper bag into a vacant lot. You apprehend the youth three blocks from the original scene and a crowd of 15 young men quickly gathers as you subdue the youth. The crowd, spurred on by one apparent ringleader, begins taunting you to let the youth go. You are surrounded, have no walkie-talkie, and do not know where your partner is. The crowd is becoming increasingly hostile and threatening in response to pleas for help from the youth and demands you let him go. You realize you must make a decision. Which of the below best describes how you would proceed:

- A. Draw your weapon and threaten to shoot the next person who comes closer. If pressed (shoot).
- B. Draw your weapon and fire a warning shot into the air thereafter leveling your weapon at the ringleader and threatening to shoot him if pressed further. If that fails (shoot).
- C. Let the prisoner go.
- D. Draw your slap jack and prepare to fight, forcing the crowd to take the prisoner if warnings to back-off fail.

IV

You and your partner are working a marked radio car in a residential section of the city that has been plagued by a series of especially brutal rapes. The suspect has been described as a young male, 16-17 years of age, 5'10" tall, and 140 lbs. The suspect is reported to always dress in black pants and a black polo-shirt and seeks his victims in apartment houses with fire-escapes. The means of entry is always through the window adjoining the fire-escape. As you are cruising, you hear a woman's frantic screams nearby. A short distance ahead you observe a woman leaning out a third floor apartment window yelling, "Police, help me, he raped me." She is pointing at a suspect, jumping off a fire-escape to the sidewalk and dressed entirely in black. You and your partner begin chasing the suspect on foot and, after a considerable distance, you realize that the suspect is about to make good his escape. Which of the below best describes the action you would take.

- A. Shoot to kill. He is an escaping felon and there is sufficient probable cause.
- B. Fire a warning shot in the air. If he fails to halt, do not use deadly force even if he escapes. The suspect is a juvenile.
- C. Do not use deadly force. Do not fire a warning shot. If he gets away, so be it.

You and your partner are on duty, working the evening shift in a marked radio car. You are dispatched to a street disturbance and respond. Upon arrival you see a group of people yelling at a man who is violently swinging a three-foot piece of heavy metal pipe at anyone who gets near. Two people are on the ground unconscious and bleeding from the head. As you approach on foot, several citizens tell you the suspect is crazy and hit both victims for no apparent reason. The suspect has his back up against a brick wall and you have no choice but to make a head-on approach. The suspect's demeanor leads you to believe he is either under the influence of drugs or psychotic. You are unable to get close to the victims on the ground because of the suspect's attacks with the pipe. Which of the below best describes the action you would take:

- A. Use nightsticks and take the suspect down immediately. The victims could be dying and must receive immediate medical attention.
- B. Draw your revolver and order the suspect to drop the pipe. If the suspect fails to drop the pipe and starts to strike out as you approach, shoot to kill. Your actions are justifiable because of the suspect's use of deadly force against you.
- C. Attempt to keep the suspect at bay while you call for medical aid and back-up assistance. Four police officers should be able to physically subdue the suspect using nightsticks and physical force at most.
- D. The victims need immediate attention. Draw revolver and order the suspect to drop the pipe immediately. If he fails to do so, take careful aim and shoot to disable.

VI

You are on uniformed foot patrol (no partner) in the business district of the city. It is noontime and the sidewalks are crowded with shoppers. Suddenly a pedestrian approaches and informs you he has just witnessed a man in the act of holding-up a storekeeper only a few doors away. You radio the information to the dispatcher and request assistance as you proceed to the location. Approximately 40 feet from the store you observe a man with a gun in his hand exit the store. Upon seeing you, the suspect turns in your direction and begins to level his weapon at you. You must make a decision quickly. Which of the below best describes the action you would take:

- A. Hold fire and take whatever cover is available. The sidewalk is too crowded, and you are too far away for a certain shot.
- B. Fire a warning in the air as you take available cover. Hold direct fire for the same reasons as above.
- C. Assume a shooter's stance, take careful aim and order the suspect to give up. Shoot only if he fires first.
- D. Shoot to kill, your life is in peril.

You are on uniformed foot patrol (no partner) in the business district of the city. It is mid-morning and the sidewalks are clear of people. Suddenly a large male runs out of a small corner store directly in front of you. Another man is chasing him and yelling "He robbed me!" "Stop him!" The suspect is now running directly toward you. You attempt to grab the suspect, but he hits you with a shoulder block, knocking you to the ground. The suspect continues running. Which of the below best describes the action you would take:

- A. Get up and chase after the suspect. Do not fire warning shots or use deadly force even if suspect gets away.
- B. Get up. Fire a warning shot into the air and order suspect to halt. If he fails to halt, continue to chase and do not use deadly force even if he gets away.
- C. Get up. Order the suspect to halt. If he fails to halt, take direct aim and shoot. It is justified because he committed a robbery.
- D. Get up. Continue to chase. Employ deadly force only if you are unable to capture and will surely lose him. It is justified because he committed an aggravated assault on a police officer.

Can you estimate the number of times you were faced with situations in which deadly force could legally have been used (whether or not you used deadly force)?

Number of possible deadly force incidents _____

Years of "street police work" _____

The law permits the use of Deadly Force in a variety of situations. It does not, however, demand the use of such force. Officers can and do exercise discretion in the use of Deadly Force. Please circle the following which you feel apply:

	<u>State Law Allows Use of Deadly Force</u>	<u>Newark PD Rules Allow Use of Deadly Force</u>	<u>Most Officers Here Would Use Deadly Force</u>	<u>You Feel You Would Possibly Use Deadly Force</u>
Fleeing petty theft suspect	yes or no	yes or no	yes or no	yes or no
Fleeing armed robber	yes or no	yes or no	yes or no	yes or no
Fleeing strong armed robber	yes or no	yes or no	yes or no	yes or no
Fleeing arsonist	yes or no	yes or no	yes or no	yes or no
Fleeing kidnapper	yes or no	yes or no	yes or no	yes or no
Fleeing B and E suspect with gun	yes or no	yes or no	yes or no	yes or no
Fleeing Paternity Warrant suspect who had assaulted officer with brick	yes or no	yes or no	yes or no	yes or no

Thank you for your time.

APPENDIX I

PERSONAL DATA: OFFICER
(Categorized by Sources of Information)

SOURCE: CASE FILE

Incident Code _____

OFFICER PARTICIPANT _____

(If more than one officer involved, use consecutive lettering after incident code)

1. Rank PO PLC INV SGT LT CAPT OTHER _____ (Name)

SPEC
CPL

2. Unit Assignment Patrol Traffic Specialized Unit _____ (Name)

Investigations Other _____ (Name)

3. Activity General Patrol Specialized Patrol Plainclothes Decoy Stake Out Traffic Law Enforcement

Investigations (Apprehension or warrant service) Off Duty Hostage Neg Other _____ (Name)

4. Extent of Officer Injury None Slight Serious Fatal

5. Firearm used Handgun Shotgun Long gun Other _____ (Describe)

6. Other Weapons Used by Officer Incident: Non-firearms

None Baton Flashlight Hands and feet Other _____ (Describe)

SOURCE: PERSONNEL, DISCIPLINARY, TRAINING FILES

Incident Code _____

OFFICER PARTICIPANT BIOGRAPHY

(at time of incident)

(If more than one officer involved use consecutive lettering after incident code)

1. Sex Male Female
2. Race Cau. Blk. His. Asian Am. Ind. Other _____ (Name)
3. Age 21-25 26-30 31-40 41-50 51 and up _____ (Actual age)
4. Weight under 100 lbs 100-150 151-175 176-200 201-225 226 and up _____ (Actual weight)
5. Height under 5'0" 5'0"-5'5" 5'6"-5'10" 5'11"-6'2" 6'3"-6'6" 6'7" and above _____ (Actual height)
6. Marital History never married
- presently married How many times married _____ (how many)
- presently divorced How many times divorced _____ (how many)
7. Have any children? yes no
8. If yes, how many? 1 2 3 4 5 6 or more _____ (how many)

9. Are the children living with officer? yes no

10. If yes, how many? 1 2 3 4 5 6 or more (how many)

11. Military History: Have you been in service? yes no

12. If yes, what branch? Army Navy Air Force Marine Coast Guard
 Other _____ (Name)

13. What was officers specialty in service? _____ (Name branch or unit)

14. Did officer serve in combat? yes no

15. Father's Occupation Professional _____ (Name job)
 White Collar _____ (Name job)
 Blue Collar _____ (Name job)
 Other _____ (Name job)

16. Education Less than high school diploma High school diploma Some college credits Associate Degree
 Bachelor's Degree Some graduate credits Advanced degree or degrees, e.g., MA, Ph.D., etc.

17. Years as police officer 1-2 3-5 6-10 11-15 16-20 21 and (Date of appointment)

18. Assignments _____ (dates: beginning and end)
 (insofar as possible _____ " " " "
 characterize assignments _____ " " " "
 by activity _____ " " " "
 and if appropriate, give _____ " " " "
 geographic area) _____ " " " "
 _____ " " " "
 _____ " " " "
 _____ " " " "
 _____ " " " "

19. Work Evaluations High Average Low
 (Lost evaluations up to total 5) (Relative to others in department)

20. Productivity (Arrests and citations) High Average Low
 (Last evaluations up to total of 5)

21. Meritorious Conduct (Last five years)

a. Letters of commendation 0 1-5 6-10 11 and up _____ (How many)
 (Citizen)

b. Commendations from 0 1-3 4-6 7-10 11 and up _____ (How many)
 Department

c. Awards for Bravery 0 1-2 3-4 5 and up _____ (How many)

22. Disciplinary Record (Last five years)

a. Citizens' complaints 0 1-3 4-6 7-10 11 and up _____ (How many)

b. Formal Departmental disciplinary findings (guilty) 0 1-3 4-6 7-10 11 and up _____ (How many)

23. Training History

Recruit Academy

(Class number or year)

Specialized
Training

(Title, department, or other
sponsoring agency)

Supervisory
Training

Command
Training

24. Medical History: Has officer had any major medical problems over the last five years (serious enough to miss 15 consecutive days work)?

yes

no

25. If yes, was it extended illness?

(Days lost)

(Describe)

disability?

(Days lost)

(Describe)

mental health
problem

(Days lost)

(Describe)

Repeat for every major illness, disability, and mental health problem in the last five years.

26. Total days lost due to illness, disability, and mental health problems in the last five years.

SOURCE: PERSONNEL, TRAINING FILES

Incident Code _____

OFFICER PARTICIPANT SHOOTING HISTORY
(At time of incident)

(If more than one officer involved use
consecutive lettering after incident code)

1. Number of purposeful shooting incidents that the officer has been involved
in over last five years.

| | | | | | | 6 and above

2. Number of subject fatalities in last five years.

| | | | | | | 6 and above

3. Level of marksmanship: qualification average when compared to other
officers (last five qualifications).

| |
High Average Low

4. Has the officer formally failed to qualify in the last five years?

|
yes no

5. If yes, how many times?

| | | | | | 6 and above

6. Has the officer lost the authority to carry his weapon in the last five
years?

|
yes no

7. If yes, for what reason? _____

SOURCE: PERSONNEL, DISCIPLINARY FILES

Incident Code _____

OFFICER PARTICIPANT
(Post Incident)

(If more than one officer involved use
consecutive lettering after incident code)

1. Indicate the amount of time in months that this data collection instrument covers _____. (If the officer has left the department, record the appropriate data for the time between the shooting incident and his leaving the department.)

2. Record the officer's assignment history since the shooting incident:

Assignments	_____	(dates: beginning and end)
(insofar as possible characterize assignments by activity and if appropriate, give geographic area)	_____	" " " "
	_____	" " " "
	_____	" " " "
	_____	" " " "
	_____	" " " "
	_____	" " " "
	_____	" " " "

3. Work Evaluations High Average Low (Relative to others on department)

4. Productivity (Arrests and citations) High Average Low

5. Meritorious Conduct: Record how many of each of the following the officer has received:

- a. Letters of commendation (citizen) _____
- b. Commendations from department _____
- c. Awards for bravery _____

6. Disciplinary Record: Record how many of each of the following the officer has received:

a. Citizen complaints _____

b. Formal departmental disciplinary findings (sustained) _____

7. Has the officer been involved in any more shooting incidents?

yes no

8. If yes, how many? _____

9. Were any of them fatal shootings? yes no

10. If yes, how many? _____

11. Medical History: Record any major medical problems (serious enough to miss 15 consecutive days work)

Extended illness

(Days lost)

(Describe)

Disability

(Days lost)

(Describe)

Mental health problem

(Days lost)

(Describe)

12. Has there been any change in the officer's marital status? yes no

13. If yes, what was the change? _____

14. Has the officer left the department?

yes
no

15. If yes, record the circumstances:

APPENDIX J

INCIDENT ENVIRONMENT

SOURCE: CASE FILE

Incident Code _____

1. Type of Neighborhood

Commercial

Industrial

Residential:
Apartment or
Flat

Residential:
Single Family
Homes

Other

(Describe)

2. Type of Neighborhood (Economic Level)

High

Average

Low

3. Where incident took place.

Inside

Outside

4. If inside, what type of place?

Apartment

House

Retail
Store

Bank

Restaurant
or Bar

Factory or
Warehouse

Office

Other

(Describe)

5. If outside, what type of place?

Roadway

Sidewalk

Parking
Lot

Park

Other

(Describe)

6. Weather.

Clear

Rain

Snow

Fog

Other

(Describe)

7. Lighting at scene.

Good

Fair

Poor

8. Time of Day

_____ (Military time)

9. Day of Week

10. Month of Year

APPENDIX K

PERSONAL DATA: OPPONENT
(Categorized by Sources of Information)

SOURCE: CASE, IDENTIFICATION FILES

Incident Code _____

SUBJECT PARTICIPANT BIOGRAPHY

(At the time of the incident) (If more than one subject involved use consecutive lettering after incident code)

1. Sex Male Female
2. Race Cau. Blk. His. Asian Am. Ind. Other _____ (Name)
3. Age 1-10 11-15 16-20 21-25 26-30 31-40 41-50 51-60
 61 and up _____ (Actual age)
4. Weight Under 100 lbs 100-150 151-175 176-200 201-225 226 and up _____ (Actual weight)
5. Height under 5'0" 5'0"-5'5" 5'6"-5'10" 5'11"-6'2" 6'3"-6'6" 6'7" and above _____ (Actual height)
6. Work Status Professional _____ (Name job)
 White Collar _____ (Name job)
 Blue Collar _____ (Name job)
 Other _____ (Name job)
 Unemployed _____ (Last job class)

SOURCE: CASE FILE

Incident Code _____

SUBJECT PARTICIPANT

(If more than one subject involved use consecutive lettering after incident code)

1. Role in Incident
- | | | | | |
|-------------------------------------|---------------------------------|----------------------------------|---------------------------|---------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Victim | Bystander | Suspicious person | Mentally disturbed person | Person under the influence of alcohol |
| <input type="checkbox"/> | <hr/> | | | |
| Person under the influence of drugs | (Later ascertain what drug) | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |
| Traffic violator | Person committing violent crime | Person committing property crime | | |
| <input type="checkbox"/> | <hr/> | | | |
| Other | (Describe) | | | |

2. Physical status regarding officer at moment of use of force.

- | | | |
|---------------------------|------------------------------|---------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Non-moving non-controlled | Non-moving easily controlled | Non-moving difficult to control |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Attacking | Fleeing | In Custody |

3. Armed.

- | | | | | |
|--------------------------|--------------------------|-------------------------------|---------------------------------|-------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| yes | no | Uncertain thought to be armed | Uncertain thought to be unarmed | Attacking with hands and feet |

4. Weapon

- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| None | Handgun | Shotgun | Long gun | Knife |
| <input type="checkbox"/> | <hr/> | | | <input type="checkbox"/> |
| Blunt Instrument | (Describe) | | | Other (Describe) |

5. Extent of Injury.

- | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| None | Slight | Serious | Fatal |

. APPENDIX L .

CITIZEN INTERVIEW FORM

L-1:

Black

6- 1

Hispanic

2

Anglo

3

Male

7- 1

Female

2

PROJECT PUDEF

NAME _____ TIME STARTED _____ AM
 _____ PM
 ADDRESS _____ TIME ENDED _____ AM
 _____ PM
 CITY _____ PHONE # () _____
 INTERVIEWED BY _____ DATE _____
 VALIDATED BY _____ DATE _____

(TO PERSON 16 YEARS OF AGE OR OLDER) Hello, my name is _____ from the University of California and I would like to ask you some questions about some of the issues facing this community. Your answers are strictly confidential. No one but the researchers will see your answers. (GO DIRECTLY TO Q.1)

1. First, I have to be sure that we include a proportionate number of people in each age group. Will you please tell me into which of these groups your age falls? (READ LIST)

16 - 24

8- 1

CHECK TO MAKE SURE NEEDED FOR QUOTA. IF NOT, TERMINATE.
--

25 - 44

2

45 - 49

3

50 - 64

4

65 and over .

5

2a. I am going to name some different groups of people. For each group, please tell me whether you think they are doing an excellent, good, fair, poor, or bad job in this community. (READ ITEMS ONE AT A TIME) (REPEAT SCALE FROM TIME TO TIME) (START WITH RED CHECK ITEM)

	<u>Excellent</u>	<u>Good</u>	<u>Fair</u>	<u>Poor</u>	<u>Bad</u>
a. The teachers in the local schools	9- 1	2	3	4	5
b. The police in this neighborhood	10- 1	2	3	4	5
c. The city council	11- 1	2	3	4	5
d. The RTD buses	12- 1	2	3	4	5
e. The people that repair the streets and roads	13- 1	2	3	4	5

2b. We are talking with different people about different subjects and I would like to ask you a few questions about the Los Angeles police. First, I'll read some statements to you. For each one, please tell me whether you agree completely, agree a little, aren't sure, disagree a little, or disagree completely. (READ STATEMENTS ONE AT A TIME) (START WITH RED CHECKED ITEM)

	<u>Agree Completely</u>	<u>Agree A Little</u>	<u>Not Sure</u>	<u>Disagree A Little</u>	<u>Disagree Completely</u>
a. The police here are prejudiced against blacks	14- 1	2	3	4	5
b. Overall, the police here are doing the best job they can	15- 1	2	3	4	5
c. The police in this area deserve our support	16- 1	2	3	4	5
d. Police officers will shoot people when shooting can be avoided	17- 1	2	3	4	5
e. The police in this area are prejudiced against Hispanics	18- 1	2	3	4	5
f. People here don't trust the police	19- 1	2	3	4	5
g. The police around here are afraid of the people in this area	20- 1	2	3	4	5
h. The police in this area are not punished for actions that lead to citizens' deaths	21- 1	2	3	4	5

3. Do you think Los Angeles needs additional police officers? Yes | 22- 1
 No | 2

4. These next questions are about shootings of people by police officers in Los Angeles. Overall, do you think that police officers in Los Angeles... (READ LIST)

Often, shoot and kill people when it could have been avoided 23 -1

Sometimes shoot and kill people when it could have been avoided 2

Almost never shoot and kill people when it could be avoided 3

5. What do you think are the main reasons that police shoot at someone? (PROBE) 24-25- ___

26-27- ___

28-29- ___

30-31- ___

32-33- ___

6. Based on any feelings you have, do you think that the Los Angeles police shoot more Blacks, Hispanics, or Anglos relative to their numbers?

More Blacks 34- 1

More Hispanics 2

More Anglos 3

SKIP TO Q.8 _____ Don't know 9

7. Why do you think the police shoot more (ANSWER FROM Q.6)? (PROBE) 35-36- ___

37-38- ___

39-40- ___

41-42- ___

8. Based on any feelings you have, which group do you think commits most of the serious crimes in Los Angeles, relative to their numbers -- Blacks, Hispanics, or Anglos? 43-44- ___

Blacks 45- 1

Hispanics 2

Anglos 3

Don't know 9

9. Do you think that there are situations when the police should shoot to kill?

46- 1

Yes

No

2

Don't know

9

SKIP TO Q.11

10. What are those situations? (PROBE)

47-48- _____

49-50- _____

51-52- _____

52-54- _____

11. I am going to describe some different situations. For each one, please tell me if a police officer should have the right to shoot to kill.

55-56- _____

	<u>Yes</u>	<u>No</u>	<u>Maybe</u>
a. A person who refuses to do what the policeman asks	57- 1	2	3
b. A person who is running away from a serious crime	58- 1	2	3
c. A person without a weapon who is attacking another person	59- 1	2	3
d. A person who is running away from a crime where there is a serious bodily injury	60- 1	2	3
e. A person who is running away from a burglary	61- 1	2	3
f. A person with a knife who is attacking another person	62- 1	2	3
g. A person with a knife who is attacking a police officer	63- 1	2	3
h. A person with a gun who is threatening another person	64- 1	2	3
i. A person with a gun who is threatening a police officer	65- 1	2	3

12. Besides getting a traffic violation or warning, have you, your family, or friends had any contact with the police in the past year?

Yes 66- 1

SKIP TO Q.14 ___ No 2

13. Did you feel that the police handled the situation properly?

Yes 67- 1

No 2

14. Are you afraid to go out in your neighborhood because so many people carry knives and guns?

Yes 68- 1

No 2

15. Because of this fear, do you own a gun?

Yes 69- 1

SKIP TO Q.17 No 2

16. Do you sometimes carry a gun with you?

Yes 70- 1

No 2

17. Still thinking about this fear, do you sometimes carry a knife with you?

Yes 71- 1

No 2

18. Now I have a few more questions for classification purposes. I can assure you that your answers will be held in strict confidence. Which of these categories corresponds to your educational level? (READ LIST)

Less than high school graduate 72- 1

High school graduate 2

Some college 3

College graduate 4

Post graduate degree 5

19. Into which category does your household's total annual income fall before taxes? (READ LIST)

Under \$10,000	73- 1
\$10,000 to \$19,999	2
\$20,000 to \$24,999	3
\$25,000 to \$29,999	4
\$30,000 and over	5

20. Since we are trying to reach a large variety of people in this whole area, would you please tell me which racial group you are part of? (PROMPT WITH BLACK, WHITE, ETC., ONLY IF NECESSARY)

White	74- 1
Black	2
Mexican-American/ Central/South American	3
Other (SPECIFY)	

Thank you very much for your cooperation.

RECORD RESPONDENT'S NAME, ADDRESS, TELEPHONE NUMBER, AND THE TIME THE INTERVIEW ENDED. ALSO CIRCLE THE CODE FOR ETHNIC BACKGROUND AND SEX ON FIRST PAGE.

APPENDIX M

OAKLAND, CALIFORNIA:
SOCIAL, POLITICAL, HISTORICAL PERSPECTIVE

The City of Oakland was incorporated in 1852. Although it was originally settled as part of a Spanish land grant, Oakland owes its development as an urban site to the California Gold Rush. Sitting on the eastern rim of San Francisco Bay, it almost immediately became a thriving port community and eventually served as the western terminus for the Central Pacific Railway.

The city slowly expanded its industrial base until World War II when the Army and Navy established major supply bases. Shipbuilding also became a major industry during that war and thousands of workers particularly from the South were added to the work force. From 1940 to 1945, Oakland's population grew from 302,163 to 400,935.

The City possesses a sizeable industrial and manufacturing capacity and the Port of Oakland continues to thrive due in no small part to its modernization during the Vietnam War. However, Oakland, like many other urban communities, has experienced a significant economic decline over the last 30 years. Industrial, commercial, and residential facilities are generally in need of extensive rehabilitation and revitalization. In the late sixties and the seventies there have been some signs of redevelopment; specifically, a new sports complex was built, a number of office buildings have been constructed in the downtown area, and residential housing rehabilitation has occurred in various parts of the city. But even before the adoption of California's property tax cutting Proposition 13, a revenue and tax specialist for the League of California Cities stated (Los Angeles Times, December 29, 1975, p.1):

"Oakland is in a class by itself. The typical core problems--high welfare dependency, high crime, high expenses and the middle class and the tax base going elsewhere--have all come together in one unfortunate city.

The present City of Oakland occupies approximately 58 square miles running from the bayshore on the west to the summit of the Berkeley Hills on the east. It is bordered on the north by the City of Berkeley and on the south by San Leandro.

The bayshore consists primarily of an industrial and manufacturing strip. The flatlands include a number of commercial centers, but the area is mainly residential with numerous public housing projects and other lower and middle class housing. The homes of the more affluent occupy the hill.

According to the 1980 census, the city had a population of 339,288, a 6.2 percent decrease since 1970. It has recorded a population loss in every census since 1950. Only during the period 1977-1980 was an overall population growth (1.8 percent) documented in a special census. At the same time that the overall population was declining approximately 10 percent, the racial makeup of the city changed markedly. In 1950, only 14 percent of the population was non-white. In 1980, Oakland was 61.8 percent non-white with 46.9 percent of the total population black. One-fourth of the white population is of Spanish origin. Fully 70 percent of Oakland's population can then be classified as members of minority groups.

Oakland has a council-manager form of government. The mayor, who is head of the city council and ceremonial head of the city, and the council members are popularly elected. Until this year, 1981, all were elected on a city-wide basis. Beginning in April 1981, a recently adopted charter amendment calls for the phasing in of district elections for council members. The executive power of the city is held by a city manager appointed by the city council. He serves at the pleasure of the council. He appoints all department heads including the police chief.

A City of Social and Political Turmoil

Since the 1950s, Oakland has been at the cutting edge of what some have called America's second revolution. No city of comparable size has experienced greater social and political change, some of it precipitated by violent conflict. It has not, of course, been all sound and fury. Oakland has often grappled successfully with the most serious of urban problems. The city is known for the professionalism and integrity of its civil servants and for the active public spiritedness of its citizenry, and the people of Oakland have worked hard and long to make their city a decent place to live. During the long hot summers of the 1960s when experts and national publications predicted that it was ripe for riot, the residents of the city adopted the motto "Oakland's not for burning!"

In the mid-fifties, a combination of government and business officials sought and secured public and private funds to engage in a broadly based series of community development activities. One aspect of the effort was the isolation of neighborhood leadership and the encouragement of citizen participation. The effort did strongly condition the numerous social, political and economic change efforts that followed. Grass roots community organization and the pressuring of both public and private institutions through confrontation became the hallmark of community activity in Oakland.

In the late fifties, civil rights demonstrations in sympathy with the plight of the southern black occurred. Later, they focused, and to some degree continue to focus, on local issues. Many anti-Vietnam War and anti-draft demonstrations in the sixties often began in Berkeley but terminated at military facilities in Oakland.

The city has also been the home and/or target of radical and sometimes violent political groups. The Black Panther Party was founded in Oakland in

the mid-sixties. The SLA operated in the city during the seventies, assassinating the superintendent of schools and requiring that the major part of the Hearst ransom be distributed in Oakland. As recently as 1980, a small Bay Area based segment of the Revolutionary Communist Party has engaged in violent demonstrations in the city.

The Oakland police have often been the subject of public protest. During the 1960s, charges of police brutality, harassment, and discrimination were common. There were numerous demands for a civilian review board. There were also violent attacks upon the police. Some officers were ambushed and the Police Administration Building was bombed twice, the last time in 1970.

During the seventies, particularly the late seventies, a major public complaint has been a lack of police protection. The clamor takes a variety of forms. Some call for more police. Others complain that police are improperly deployed with too many officers being assigned to the more affluent hill. The city government found it difficult if not impossible to reply to the call for additional police manpower. A shrinking tax base due to the exodus of the middle class and the adoption of Proposition 13 resulted in a police force with over one hundred fewer officers in 1980 than in 1970. The city proposed a tax referendum calling for the addition of 59 new sworn officers. The campaign to increase the force was headed by a black activist who had often opposed police actions in the past. The major opposition came from those who felt that they were not consulted before the proposal was put forward, by those who believed that the bulk of the new manpower would be assigned to the hill, and finally, by those who believed that the tax formula was unfair because it did not differentiate between rich and poor. The election took place April 21, 1981 and the ballot measure was soundly

defeated. It failed to garner even a simple majority while the support of two-thirds of the electorate was required for passage.

During the middle- and late-1970s the number of street confrontations declined. Serious disagreements continue to enliven political discussion, but most confrontations occur in hearing rooms and council chambers. While informational street picketing is still common, the real action has moved indoors. For example, the emotional and even boisterous debate concerning police review at the end of 1979 and the beginning of 1980 was heard before public bodies. A number of attempts to hold marches and mass meetings met with little success.

A major contributor to this lessening of confrontation politics has been the assumption of at least a share of Oakland's political power by blacks and other minority groups. For many years the conservative business community held the real political power. The leader of that group and the symbol of its power was Senator William Knowland, the conservative publisher of the Oakland Tribune. It helped elect businessmen as mayors and city councilmen. During the sixties, some weaknesses began to appear and a few minority businessmen and white liberals were elected to the council. A small number of influential blacks were appointed to executive government positions and commissions in the late sixties and early seventies, but it was not until 1977 that a black, Lionel Wilson, was elected Mayor. The Mayor who describes himself as a "liberal activist" has made numerous minority appointments, worked successfully for the charter amendment calling for the district election of councilmen, and was instrumental in the establishment of a police citizens' complaint board. While not pushing for a charter amendment at present, he stated that he would like to see the "strong mayor" form of government adopted in Oakland.

It also should be noted that Oakland's City Manager Designate (at the time of this writing) is black.

Minorities, and particularly blacks, have then made considerable progress within the system and are more likely therefore to use it. However, the business community still wields great power. Further, there is little unity within or between the various minority groups, and the struggle for political power and survival is still very much the name of the game in Oakland.

Crime

No matter what standard is employed, Oakland suffers from a very serious crime problem. During the decade of the 1960s, major crime increased by 235 percent. By 1973, Oakland ranked first among major cities insofar as the rate of serious crime was concerned. Despite a 3.8 percent decrease in index crimes during the period 1970-1979 and a decrease in every year during the decade but 1975 and 1979, Oakland ranked tenth in 1979 among all major cities (cities with a population of 100,000 or more) insofar as UCR index rates for all crimes and violent crimes were concerned.

A 6.2 percent increase in serious crime in 1979 was followed by another 6.9 percent increase in 1980. Violent crimes such as homicide, robbery, and felony assault each jumped over 10 percent in 1979, and in 1980 homicide rose 7.4 percent. Robbery soared 38 percent and felony assault increased 8.3 percent.

Police Department

Among their police peers, the Oakland police have long had a reputation for professionalism. The department has often served as a model for competence and efficiency. It was not always so. In the early 1950s it found itself tainted with charges of corruption and inefficiency.

In the mid-1950s under the auspices of a reform administration, the department was reorganized. Strong emphasis was placed upon the development of a system of command and supervision. Detailed policies and procedures were prepared and disseminated, and an Internal Affairs Unit was established to increase compliance. Selection standards and training were strengthened and a nationwide recruitment program was executed with a serious attempt being made to obtain college educated recruits. A Planning and Research Unit was organized to analyze problems, develop new methods, assist in their implementation, and finally, evaluate their success. These and other administrative and operational efforts allowed the department to attain considerable recognition for professional excellence by the early 1960s.

While professional acclaim grew, challenges to the department's style of policing arose in Oakland. The police to a great degree saw their role as that of impartial law enforcers, but in changing Oakland some elements of the community, particularly blacks and liberals, perceived the police as cold, impersonal, and insensitive at best and often as discriminatory and brutal. Since each saw its position as "righteous" and viewed itself as misunderstood and aggrieved, the resultant series of conflicts and confrontation was predictable.

Numerous attempts were made to mediate the situation but circumstances continued to deteriorate. It was not until September 1967, when Charles Gain was appointed Police Chief, that steps were begun that lessened community tensions. Gain was a career officer in the Oakland Police Department. He served at every level of the departmental hierarchy from patrol officer to Chief, but he was never part of the department's social or fraternal coterie. He was seen as remote and labeled as an administrative type rather than a street policeman.

Even before he was made Chief, Gain showed signs of being more community oriented than the department's recent police leadership. He performed the staff work associated with the department's first written firearms policy. During his years as Deputy Chief, he had directed the department's first community relations program with some distinction and had attained the respect of a significant proportion of the minority community.

Gain served for six years as Chief of Police. During his tenure, he stressed the service and peacekeeping roles of the police. With a combination of altruism and pragmatism he attempted to realize his preferred approach to policing. He attacked the problem with a reformer's fervor and an autocratic certainty. He further tightened departmental control of police conduct by strengthening the internal affairs process, by making it easier for citizens to complain, and by encouraging and even soliciting such complaints. He instituted a more restrictive firearms policy and sponsored the development of a violence prevention unit. Service-oriented family crisis, landlord-tenant, and misdemeanor citation programs were implemented. The Department undertook a concerted effort to hire minority officers. All levels of training were re-evaluated and revised, giving expanded attention to the department's service role and broadening the individual's understanding of Oakland's various communities. Finally, the department pioneered a series of programs that stressed the limitations of the police in the prevention and control of crime and the importance of citizen involvement in such activities.

Support for Gain and his programs was far from universal. Sizeable segments of Oakland's population saw his efforts as a lessening of police authority in the face of a rising tide of crime, but the greatest opposition to this leadership came from within the Department. In the fall of 1971, 496 of the 719 members of the Oakland Police Department participated in a "vote

of confidence" concerning Chief Gain, sponsored by the Oakland Police Officers' Association (OPOA). They voted "no confidence" in the Chief, 375 to 121, citing among other factors his autocratic style, failure to support his men, softness on crime, implementation of the stringent firearms policy, and solicitation of citizen complaints. The vote resulted in an outpouring of governmental and community support for Chief Gain and he served as Chief until his retirement in December 1973.

Deputy Chief George Hart, the deputy most closely associated with Gain, was appointed Chief. Hart, at the time of his appointment, was 39 years old and an 18-year veteran of the Department. He was seen as more relaxed and informal, more sensitive to the problems of officers, and more attentive to them as individuals.

To a question by a reporter of the Los Angeles Times (December 17, 1973, p. 3) about his position on the liberal-conservative continuum, he said, "I think it is possible to have the best of two worlds--for police to enforce the law and perform as service agents to the community. Perhaps I'm a middle-of-the-roader."

Hart and the Department have faced a variety of difficulties during his administration. Although crime spiraled upward in the 1960s it assumed center stage in the public consciousness in the 1970s. In an effort to cope, he expanded the citizen involvement programs that he had been instrumental in implementing as Deputy Chief. Using federal, state and local funds, Oakland developed a network of projects stressing citizen participation.

These activities in collaboration with the efforts of a continuously shrinking sworn staff managed to decrease major crime 3.8 percent between 1970 and 1979. From 1970 to 1979, Oakland Police Department's authorized strength

decreased 1.2 percent from 730 police personnel to 634, and in December 1979, only 605 sworn officers were actually employed.

In the mid- and late-70s, the Police Department's relationship with Oakland's minorities has been a veritable roller coaster, although street confrontations became extremely rare. The black community particularly continued to complain about what it considered to be police malpractice, discrimination, harassment, and brutality (excessive force complaints did decrease 7.2 percent between 1970 and 1979), and generally sought a greater level of community control over the police. This activity, encouraged by the election of Mayor Wilson in 1977 and fueled by the emotionalism generated by a series of nine fatal shootings of black persons by the police between March 17, 1979 and January 6, 1980, culminated in the establishment of a Citizens Complaint Review Board in April 1980.

A second and closely related area of conflict between the police and the black community was the push to make the Department's sworn staff more representative of the community. Despite the fact that the minority percentage of the sworn complement went from 7.9 percent in 1970 to 34.2 percent in 1979 and that an average of 63.9 percent of all new hires between 1973 and 1979 were minorities, the black community, led by the Oakland Black Officers Association (OBOA) has publicly demanded changes in city and departmental personnel procedures. In 1973, they were successful and the city signed a consent decree which required the department to hire more minority officers. In 1974, the California State Fair Employment Practices Commission (FEPC) conducted an affirmative action survey. The result was a report containing 64 recommendations regarding recruitment, testing processes, training, and other job-related issues. A majority of the recommendations related to the policies or procedures of the city's Personnel Department. Most recommendations were

implemented except for those that were viewed as too expensive or were meet-and-confer issues.

In 1975, the City Council's Public Safety Committee conducted an investigation of departmental policies and practices in the areas of training, internal affairs, investigative procedures, and the processing of citizen complaints. The committee produced a number of recommendations which were implemented.

Finally, in August 1979, the OBOA wrote to the Civil Service Commission complaining of discrimination in the areas of promotion, transfer, assignment, and training. Somewhat later, it, or its representatives, also filed complaints with the Federal Office of Revenue Sharing (ORS) and the FEPC. The ORS analyzed the situation and informed the city that its investigation confirmed the charges. Negotiations are currently in process. The FEPC reviewed the complaint and determined that no further investigation was necessary.

The Civil Service Commission held a number of public hearings and submitted its report to the Mayor and Council in August 1979. Many of its recommendations were similar to those that had been proposed previously and had already been adopted. Others were held for future consideration, and one, the special Review Board, was implemented after additional consideration by a Task Force on Citizens' Complaints appointed by the Mayor and Council.

These challenges to the Department have caused serious strains. Public disputes, litigation, and required limitations on resources have weakened the department's ability to fulfill its mission. The OPOA and the OBOA have found themselves on different sides of issues such as promotions and external review, and these differences have some negative impact upon esprit de corps and morale. The OBOA delayed the sergeants' and lieutenants' promotional exams

and even after the sergeants' list resulted in 17 out of the first 45 being minorities and women, the OBOA said it still considered a lawsuit. Three of the first 13 sergeants appointed were minorities and two black lieutenants were appointed. There are presently three black lieutenants and eight black sergeants in the Department. There are no black captains or deputy chiefs. There was one black deputy during the 1970s, but he resigned to become chief in Berkeley.

Despite all of the controversy, however, the Oakland Police Department still maintains its reputation for professional competency. Department programs and practices are often offered as models by government bodies, professional organizations and police authorities. Its approaches to managing criminal investigations (MCI) and crime prevention activities receive considerable national recognition. Oakland officers are also called upon to fill important positions in professional organizations and to serve as consultants to other police agencies. An Oakland captain is presently serving as the President of the Police Management Association and a sergeant recently provided technical assistance to the Atlanta Police Department on the infamous murders of black children.

The Use of Deadly Force

The Oakland Police Department's Firearms Discharge Policy dates to the mid-fifties. It was prepared as part of the department's effort to professionalize itself through the development and implementation of written policy guidelines. It followed California State statutes which generally permit the use of deadly force in all felony cases, but was careful to restrict the use of a firearm against juveniles, for a warning shot, and against or from a moving vehicle. It further cautioned against the use of a firearm unless all other means have failed. The order also included a firm internal review procedure.

On July 9, 1968, at the peak of the conflict between the black community and the police and after four consecutive days on which Oakland police had fired at burglary suspects, Chief Gain issued Special Order 1072:

Departmental General Order K-3 (Discharge of Firearms) is being reviewed. Until such time as the review is completed, members shall not discharge firearms for the purpose of effecting the capture of, or preventing the escape of, a person whom the member has a reasonable cause to believe has committed a burglary, automobile theft, or any felony violation of the California Vehicle Code, and the member has no reasonable cause to believe the person has committed any other felony.

The immediate reaction was negative. The officers expressed open displeasure at roll calls and a bogus general order appeared suggesting that police officers would be disarmed. The Oakland Tribune printed numerous negative letters. The Mayor let it be known that he was upset.

In a working meeting with the City Council in the Mayor's office two days later, Gain countered criticism by saying that it was a matter of relative values. Life is more valuable than property. He also made it clear that he would change the regulation if it could be shown that it resulted in a significant increase in crime. Supporting groups also came forward. By the end of the first week, favorable telegrams received by the Mayor's office slightly outnumbered the negative.

The issue came to a head before the City Council in early August. The Mayor stated his disagreement with the policy and the Chief. He called for the Council to select one of their alternatives, lift the restriction, call for a continuance of the restriction, or affirm Gain's right as an administrative decision. The first council member to speak on the issue expressed trepidation about the impact of the order upon crime and police morale, but said he would support the Chief. The City Manager then stated that he felt this was an administrative matter and that this issue should be discussed with him.

Council bowed to his wishes and voted unanimously to refer the matter to committee, shelving the issue.

Because of the seriousness of the issue, Gain required officers to submit reports whenever the restriction hindered them in apprehending suspects. From 1968 to 1974 only two such reports were filed. Crime generally leveled off and then began to decrease during the years after the implementation of the policy. Burglary arrests continued at about the same rate. The actual number of shooting incidents decreased from 4.8 incidents a month for the first six months of 1968 to an average of 1.4 shooting incidents per month in the next 28 months.

In 1975, the Firearms Discharge Policy was revised to include Special Order 1072 and to redefine the terms justifiable, nonjustifiable, and accidental as used in the findings of the Board of Review.

In August 1977, the Firearms Discharge Policy was again revised. This time to incorporate the provisions of decisional law. Special Order 3260 states in part:

In Kortum v. Alkire (69 C.A. 3d 325) the Court held that the word "felony," as used in Penal Code Sections 196, 197, 835a and 837, refers only to "violent" felonies and that the use of deadly force against a felony suspect is prohibited unless the felony... "is of the violent variety, i.e., a forcible and atrocious one which threatens death or serious bodily harm." Thus, the Court's decision serves to prohibit the use of deadly force merely because a particular offense constitutes a felony.

The present firearms discharge policy restricts firearm usage by officers to the following:

1. At an approved range
2. When killing seriously injured or dangerous animals when other disposition is not practical
3. When necessary in the defense of their own lives or the defense of another person's life when all other available means have failed.

and killed after he pointed a rifle at the officer, produced the greatest unrest. Although all the involved officers were cleared by internal, county, and in most cases, federal investigations, the period was dotted with news conferences, public meetings, and some informational picketing. The Revolutionary Communist Party tried unsuccessfully to organize a major demonstration consisting mainly of students from Melvin Black's school, but other members of the black community were able to limit the size and tone of the demonstration. During this period also, some police officers, including an officer who was known to have been involved in an earlier shooting, chased a suspect into the NAACP's office in Oakland. The incident was further inflamed by the display of firearms on the part of the officers.

As a result of the community discontent, there were numerous complaints and calls for police review before the City Council. In the fall of 1979, the Mayor and Council appointed a Task Force on Citizens' Complaints to study the issue. The Task Force presented its report in early January in an emotional public hearing attended by more than 2,500 people. They recommended a five-member board appointed by the Mayor and approved by the Council that would review complaints to the department's Internal Affairs unit. The Task Force called for the body to be mainly advisory, making recommendations to the City Manager and Police Chief. The hearing was long and boisterous, but the report was forwarded to the Mayor and Council as proposed by the Task Force.

The Council voted to accept the idea of the review board in principle the next day. Despite calls to strengthen the Board and the NAACP calling for powers similar to those of Berkeley's Police Board which deals with policy matters as well as hears complaints, on April 15, 1980, the Council established a Citizens' Complaint Board. It basically follows the Task Force's proposals. It is advisory in nature and it is to steer clear of policy matters.

4. To capture or prevent the escape of a person when ALL of the following conditions exist:
 - a. The member has reasonable cause to believe that the person is committing or has committed a violent felony which involves the use of deadly force and which threatens or results in the death or serious bodily injury of another person, and
 - b. The person is known or believed to be an adult, 18 years of age or older, and
 - c. The lives of persons not involved in the offense will not be endangered by the discharge, and
 - d. All other available means of apprehending the person have failed.

Finally, on August 25, 1980, the Firearm Discharge Policy was revised to improve control over the review process with the Chief of Police assuming responsibility rather than the Deputy Chief, Bureau of Operations. Changes were also made in the composition of the Board of Review in an attempt to reduce delays in the convening Boards by creating a larger pool of officers that are eligible to serve.

In the 11 years between 1969 and 1979, the Oakland Police Department has averaged 22 purposeful firearms discharges, six suspects injured by discharges, and 3.6 fatalities per year. The number of purposeful shootings has ranged from a low of 11 in 1978 and 12 in 1973 to 34 in 1969 and 30 in 1975. The highest number of fatal incidents was eight in 1979. Seven occurred in 1975.

While the Department has experienced considerable negative reaction to individual shootings over the years, the nine fatal shootings that occurred between March 17, 1979 and January 6, 1980 resulted in extensive community unrest. All nine of the deceased, eight men and a 15-year-old youth, were black. Two of the shootings, Melvin Black, 15, a sniper suspect, who was shot and killed by undercover vice squad officers when they were threatened by what they thought was a hand gun, and Charles Briscoe, 37, who was shot

It was authorized to hire its own investigative staff. While it can subpoena witnesses, it cannot subpoena police officers. To date, April 15, 1981, the Board has found one officer to have used excessive force in a choke hold position.

After the January 6, 1980 fatal shooting, the Department did not have another fatality until February 1981.

APPENDIX N

NEWARK, NEW JERSEY:
SOCIAL, POLITICAL, HISTORICAL PERSPECTIVE

Newark was first settled in the 1660s. During the twentieth century it evolved from a sleepy trading town into a vibrant satellite middle-American city of 429,760 persons by 1940. The primarily Caucasian (89.5 percent) population comprised an ethnic mix of English, German, Irish, Jewish, and Italian citizens. The politics of Newark reflected the heritage of its citizens. A ward-dominated council expressed in political power the reality of ethnic domination of its neighborhoods. Burlesque theaters, cinemas, department stores and fine restaurants peppered the central area surrounding the intersection of Broad and Market Streets. The city was known as the "financial and insurance capital" of New Jersey and a major economic center in the Northeast.

Major changes occurred during and intensified immediately following World War II. The city received a major flood of black immigrants who left the rural south in search of war-related industrial jobs. According to Wright (1968), fully 40 percent of the citizens by 1967 were born in the Southern states. Discrimination and political isolation accompanied this immigration. Cunningham (1960) writes: "Mistreatment of the Negro was clear by 1946, if few politicians and business leaders cared to acknowledge it."

In the next 35 years, the problems of Newark increased geometrically. Middle-class flight both white and black have increased, creating a net population loss of nearly 40 percent by 1980. Economic indicators, age, trends and sales figures evidence a sharply atrophying urban area.

[INSERT TABLES 1, 2, AND 3 HERE]

Today, the visitor to Newark is struck by the ghostlike squalor and deterioration of virtually all of the city. This squalor is evident in almost every aspect of Newark life. Once-fine neighborhoods resemble the bombed-out cities of post-war Europe. The South End Weequahic district (once an enviable

TABLE 1. OVERALL PROFILE

General:

City: Newark
 County: Essex
 Size: 24.14 square miles
 Type: Urban Center
 Population Density: 13,876.5 per square mile

Municipal Statistics

Municipal Code: 100
 Form of Government: Mayor-Council Plan; 9 members
 Standard & Poor Rating: BBB
 Moody Rating: BAA
 General Tax Rate Per \$100: 9.25
 State Equalized Tax Rate: 5.77

Demographics

<u>Population Trends</u>	<u>1950</u>	<u>1960</u>	<u>1970</u>	<u>1976</u>	<u>1980</u>
Total Population	438,776	405,220	381,930	334,979	290,000 (est.)
Black Population	74,965	138,035	213,881	209,697	
% Black		34.0	56.0	52.6	
Spanish Speaking	-	16,240	45,832	52,592	
% Spanish		4.0	12.0	15.7	
Over Age 65	-	24,500	30,469	35,508	
% Over Age 65		6.0	7.9	10.6	

Age Profile - 1970*

- One half of the male white population was below 31.6 years old, compared with 19.0 years for black males, 25.2 years for males in other races, and 16.4 years for Spanish males.
- The respective median ages for females were - white 35.1 years, black 22.9 years, other races 25.6 and Spanish 18.6 years.
- 222,165 or 58.1 percent of the total population were in the prime working age group, 16 to 64 years old.

* This information is updated on the county level only.

Employment and Unemployment - 1977 (1)

- The civilian labor force was 164,469 as follows: 47.3 percent white, 51.6 percent black, 12.1 percent other races, and 8.6 percent Spanish.
- Civilian employment totaled 138,292.
- Jobs occurred in the following four major industry groups:
 - Manufacturing

TABLE 2. CITY RETAIL SALES

Inflation Adjusted Figures

1975 -	\$424,768,900
1974 -	\$449,126,000
1973 -	\$564,664,990
1972 -	\$523,425,370
1971 -	\$491,262,110
1970 -	\$515,873,100
1969 -	\$563,890,790
1968 -	\$682,096,150
1967 -	\$709,600,000
1966 -	\$746,938,460
1965 -	\$788,914,100

Source: Newark Factbook, 1976

TABLE 3. DEPARTMENT STORE SALES (1967-1976)

The major department stores in the city are located in the central business district. Many other department stores are located throughout the city. These are easily accessible from anywhere in Newark and surrounding areas. A shopper can use mass transit or drive in and use convenient park and lock facilities at a discount. Department store sales in 1976 reached \$82,856,000.

Newark's major department stores include:

Bamberger's, 131 Market Street;
 Hahne's & Company, 609 Broad Street;
 Jack's Bargain Store, 141 Market Street;
 McCrory's, 697 Broad Street;
 Michel's Department Store, 101 Market Street;
 Sears Roebuck & Company, 168 Elizabeth Avenue;
 Two Guys Discount Department Store, 715 Broad Street;
 F.W. Woolworth & Co., 165 Market Street

City

1976 -	\$ 82,856,000
1975 -	86,745,000
1974 -	93,152,000
1973 -	91,760,000
1972 -	93,975,000
1971 -	102,328,000
1970 -	108,233,000
1969 -	111,579,000
1968 -	100,892,000
1967 -	105,539,000

Source: U.S. Department of Commerce, Bureau of Census,
 Social and Economic Administration

1. violent crime rate
2. tuberculosis rate
3. syphilis rate
4. maternal mortality rate
5. highest tax burden
6. loss of population, businesses and skilled persons

In terms of tax burden, few if any cities inflict a higher rate of property tax than does Newark on its remaining homeowners, many of whom are trapped in the city for want of buyers. Arson, vandalism and child neglect are also exceedingly high.

Recent political changes have shifted the responsibility for Newark's plight, but have not fundamentally altered it. Mayor Kenneth Gibson, elected in 1970, has exerted forceful, if often controversial, leadership within the city. Opposed by both whites and (at times) blacks on the city council, he has increased federal inflow of dollars to the city, fostered some major renewal projects and increased black political participation, but seemingly has not stemmed the economic and social atrophy of the city.

Crime

During the late 1970s there has appeared Newark's major concern: crime. A police union bumper sticker reflects a major preoccupation of its citizens: "Feel Safe in Newark - LEAVE."

Measured in terms of reported crime, Newark consistently ranks along with Atlanta and East St. Louis as among the most crime-ridden cities in the United States. Many persons suspect, however, that the level of crime in Newark is substantially under-reported due to the fact that few people are insured and that even fewer believe that reporting a crime would lead to any positive action on the part of the police. The high-rise public housing projects stand as isolated islands of crime, hopelessness, and violence. Robbery and burglary (many cases-if not most--unreported) are common occurrences.

Jewish, Greek and German area) lies virtually abandoned. Many of the apartment houses are burned out and uninhabited--even buildings whose walls are sound and relatively new; some of the devastated buildings were built after World War II. Restaurants, bars, laundries, furniture stores lie vacant and boarded up, with prices, sale announcements and bargains ironically displayed through iron grating--the prices and dates being often 10 years old; e.g.,

SALE - 16" NEW 1971 MODEL MOTOROLA
ONLY \$129.99

Many of Newark's finest schools of the 1950s are now marked by violence and fear or are actually abandoned. As late as the early 1960s Weequahic High School ranked on par with the best schools in the United States (along with those in Newton, Massachusetts, and Evanston, Illinois). Now its seniors often graduate with less than an average 9th grade level of educational attainment. Essex Academy, once the best of the region's Catholic schools, a huge marble structure, lies abandoned. Parks are empty most of the day, visited only by a few ragged men who nurse wine bottles in paper bags. The downtown area at nightfall is descended upon by muggers, prostitutes and drug dealers. On a summer night, cars (many from the suburbs) line up to be met by young black and Hispanic drug dealers selling pills, marijuana, cocaine and heroin. On side streets large gangs of juveniles wander about or sit on empty stoops. In winter, aging men warm themselves from fires lit in metal barrels.

The statistics reflecting the quality of life in Newark are appalling. The city, according to Wright, 1969, has remained first (or near first) in such statistics as:

Crime in Newark has become such an entrenched part of social life that it has altered many social behaviors. The central city is virtually abandoned after dark. Almost all open stores employ armed security guards. Revealingly, in one central ward ice-cream store, cones are purchased through a security slot in a bullet-proof glass which protects the clerks. Night classes at Rutgers Newark campus are generally under-enrolled.

Using 'objective' measures there appears a soaring crime rate (over 40,000 UCR part one offenses in 1980), which is almost 80 percent greater than it was in 1965 when the city was almost 30 percent larger. Even more troubling is the apparent reality that due in part to declining police personnel, arrests have declined slightly as reported crime has dramatically increased. Especially troubling in the rise in these statistics is the dramatic rise in such violent crimes as murder (up 250 percent from 1965) and robbery (up an astonishing 400 percent!!).

The Newark Police Department Under Ethnic Control

The history of the Newark Police Department, of course, reflects the social history of the city and is similar to that found in other declining urban areas. In 1857, the first police department was formed in Newark by Mayor Moses Bigalow. In the next century, it was recognized as a competent and largely effective law enforcement body with a possible reputation for excessive force and a politically partisan style. During the 1960s, the administration of Police Director Dominick A. Spina came to symbolize the increased conflict and tension which then characterized the Newark Police Department. Even before the devastating riot of 1967, Spina gave warnings that "extremists" were attempting to seize the city. A 1968 article in which Spina forbade black police officers to associate with "radical" groups

symbolized the Spina-era department's apparent inability to cope with the political and racial changes which would envelope the Newark Police in the 1960s.

POLICEMEN CAN'T JOIN EXTREMISTS: SPINA

Any organization "which preaches violence, racial hatred and anarchy" is extremist and the type of organization to which no Newark policeman may belong, Police Director Dominick A. Spina said yesterday.

Spina followed by issuing a departmental order prohibiting police from belonging or taking part in any way in activities of any extremist group. His statement and order came after he met in City Hall with the Concerned Brothers of Newark, a group of Negro and white clergymen. He stressed, however, that his action had been long planned and did not result from the meeting.

The police director declined "at this time" to label any group as extremist, whether white or Negro. He said he would be the judge as individual complaints arose.

In his order, Spina stated that "no member of the Newark Police department shall belong to any subversive or extremist group nor shall he participate in any demonstration, speech-making, picketing or other activity which would tend to create the impression that he is a part of such extremist group.

"An extremist group is any association of individuals who preach hatred of any kind, who advocate violence or anarchy."

Would Face Charges

"Any member of the department who is alleged to belong to any such group or participates in its activity shall be promptly investigated and charges drawn up against him."

He warned that the public "carefully screens the activities of every policeman today and what one individual police officer does is a reflection on the entire police department."

In his order, Spina added that police must "act with greater restraint and caution than the average citizen." He said there have been several allegations in the last few weeks of police being involved in demonstrations, speeches and membership in organizations which the public feels are extremist.

"The mood of the public is one of alarm," he said.

The director said he anticipates several civilian complaints against police which the department will investigate. He said he would file a complaint personally any time he observes an officer taking part in extremist activities. Newark News, (April 10, 1967).

According to Governor Hughes' special Commission Report regarding the Newark riot of 1967, three fundamental charges were alleged about the Newark police department of the Spina era (1962-1970): corruption, brutality, and racism.

Corruption and granting special favors were apparently very common. Several of the police leaders interviewed recalled how such offenses as gambling were handled in the old days. One senior detective described how when in 1965 he arrested an established gambler for a traffic offense the gambler immediately went to a phone booth "so that the Director (Spina) could give the patrolman some advice on how to handle a "difficult" situation. Not coincidentally there were several major scandals involving illegal police protection of rackets, vice and gambling. Major Gibson would later refer to the police protection of gamblers as "a normal business relationship." The department's response to the issue of brutality was also troubling. A comment by Spina as reported in the newspaper is reflective of the apparently defensive tone of the department's leadership, immediately following the riot of July 1967.

MYTH OF POLICE BRUTALITY CAUSES COPS TO QUIT: SPINA

Newark Police Director Dominick A. Spina said last night that the "myth of police brutality" is causing many policemen to resign and making it difficult to recruit new officers.

Spina, speaking at a symposium on police brutality at Upsala College in East Orange, declared that "groups like CORE, continue to attack and subvert the police, fostering hostility between the people and the police."

Spina went on:

"At the time of the insurrection in Newark the police department didn't have 25 shotguns and no riot hats. I submit that if we had not armed quickly, the city would have gone up in flames; we did our best to stem the tide of criminality which swept Newark."

"The Negroes themselves are being victimized by the criminal element in the ghettos," he said. "Police brutality is not a widespread problem. When police answer a call they react the way they are treated."

"If I am treated like a gentleman, I react like a gentleman; if you want to get rough, I can get rough too." Newark News, (November 11, 1968).

Hayden (1968) alleged that only two of 60 allegations of brutality were substantiated from 1962 to 1967. Several police leaders we interviewed recalled prisoners hung by their feet out of Detention Bureau or precinct windows. One black community leader recalled: "In those days blacks simply were afraid to go into a police station for almost any reason."

Institutionalized racism was also apparently common in the Newark Police Department of the 1960s according to several black police and community leaders we interviewed. Both black citizens and black police officers were believed to have been victims of this attitude. Black citizens were (according to several accounts of police behavior during the period) frequently harassed for minor offenses, and at times beaten and verbally abused. Similarly a "community leader" interview with a black state assemblyman recalled how "brutality towards blacks was almost assumed" by both police officers and citizens. One black police "leader" recalled:

(Police Leader #5)

In those days there was none of this "please, sir" or "I request you mister" stuff. It was all, "Boy, do this!" That kind of shit.

Another aspect of police racism affected black police officers. In Edward Williams' The First Black Captain (1977) Deputy Chief Williams recalls:

[p. 35]...That was the last time I worked in a radio car as a patrolman...I had never seen a mixed patrol team, so I knew I wouldn't replace a white patrolman on vacation. When I came on the police department in 1953, the total black complement consisted of one sergeant, two detectives, four policewomen, four radio patrolmen and five foot patrolmen...

Another black police leader (Police Leader #11) recalled:

It was like you were a second-class citizen. You always had to be thankful for any but the most distasteful assignments. It was always the Italian, German, Jewish or Irish guys who got any plum. Also if they got down on you, forget it. Once when I was young and Spina thought I was uppity, he gave me a warehouse to patrol for almost three months. Another time I was rotated to a new post every day for three months because they thought I was an uppity nigger. That's what it was like.

The Watershed: July 12-17, 1967.

Inasmuch as Newark police history has a watershed, it was five hot days of July, 1967. While versions of these days will differ, all agree as to the significance of the event, both for the city of Newark and for America. As did several of the riots of the 1960s (Watts blew up after a minor traffic incident, Detroit after a raid on an "after hours bar"), the Newark riot, which left 23 people dead, began with a minor incident. According to the Star-Ledger account (July 17, 1967), the riot began when cab driver John Smith was arrested by two Newark police officers for tailgating. The officers charged Smith with using abusive language and used "necessary force to control him." According to Smith, at a bail hearing, the force was at least unusual:

They caved in ribs, busted a hernia and put a hole in my head. After I got to the precinct, six or seven officers along with the two who arrested me stomped me in the ribs and back. They then took me to a cell and put my head over the toilet bowl. While my head

was over the toilet bowl I was struck on the back of the head with a revolver...An arresting officer in the cell-block said, "This baby is mine..." (Hayden, 1957, p. 10)

While there is considerable controversy over the precise facts of the arrest of John Smith there is little doubt about the impact of the perceptions of the event. At 8:00 p.m., black cab drivers with radios spread the news of the beating to residents of the Hays Housing Project (a large crime-ridden project) next to the West Precinct where Smith was being held.

Black residents of the Hays projects and the surrounding Springfield Avenue area (the deteriorating central ward's major avenue) soon began surrounding the West Precinct demanding Smith's release. The crowd included mostly black men between 15 and 25 years of age. At 11:00 p.m., a molotov cocktail was thrown at the precinct. By midnight the precinct was completely surrounded. Rocks and bottles were being thrown at regular intervals at the police officers who at first appeared on the steps and then retreated inside the West Precinct. Memories of these hours are still vivid among the older officers on the force. One white police leader, for example, recalled:

We were all inside. It was really frustrating. We knew that if we went out and got control we could end it, but the politicians wouldn't let us. It was like they wanted the riot to happen (Police Leader #1).

A black police leader recalled:

For a black officer inside the West it was terrible. You were both a black and a police officer. You understood why the people outside were doing it, but as a police officer could not condone it. Also, you were hated both by the people outside the building (the rioters) and those inside (i.e., white cops) (Police Leader #9).

The remaining days were filled with horror for most officers. While most (according to the Hughes Commission) of the 23 people to die would die at

the hands of the state troopers (3,000) and national guardsmen called to support the Newark police, some officers freely admit firing almost wildly at both looters and "snipers." Emotions were still obviously intense as the officers recounted the days following the arrest of the cab driver John Smith in the West Precinct. One police leader recounted:

I remember passing a Greek Orthodox church, where I went to church as a kid. It was burning. I just started crying thinking what the city used to be like and what it became (Police Leader #5).

Another police leader said:

You saw the worst in people. Old ladies throwing piss bags at you. Grown men stealing beer. And also police officers and young troopers just shooting into stores (Police Leader #1).

An experienced police leader, a detective:

Guys went crazy. It was equally balanced between us and the state police. You'd be on duty 36 hours in a row and things were tense and guys would react (Police Leader #14).

The press coverage of the riot placed an almost indelible stigma on the Newark police. In one article (July 28, 1967), a Life reporter covered the shooting of one looter, William Furr, who was killed by a Newark police officer after he carried a case of beer from an almost completely looted store. In the same article there was a photograph of a young boy hit by a police bullet; above him stood a corpulent police officer, almost nonchalantly smoking a cigar, dressed in full-riot gear and carrying a shotgun over his shoulder cowboy style.

The impact of the riot was profound for both the police department and the community. The police department was subjected to intense political, legal and media scrutiny which almost out of hand vilified it. The subsequent Hughes Commission report found massive deficiencies in recruitment, training

and other areas. The City of Newark was also profoundly changed by the riot. "White flight" greatly increased. The riot gutted virtually the entire central ward business area which was either looted or "torched." Businesses not burned or looted pulled out from the central area in large numbers. A Safeway store several blocks in the downtown area to this day stands a burnt out memorial to the riot. A sign on an iron gate reads: "To our customers. We will reopen soon. Signed A. Guzzi, Manager, July 15, 1967."

The next years were extremely difficult ones for the Newark Police Department. The final years of the Spina administration were especially turbulent. Police turnover increased astronomically. Spina and Mayor Addonizio sought to make concessions to the black community but clearly failed. Any act of force, especially deadly force, carried with it the potential for further disorder. Ten months following the July riot, another major disturbance was triggered by a use of deadly force by a young, black police officer. The New York Times reported:

Tuesday, May 20 A patrolman shot and killed a teen-aged boy in the predominantly Negro South Ward here yesterday afternoon and, within hours, large, disorderly crowds were looting stores in the area, the scene of major rioting in 1967.

Newark's entire 1,400-man police force was mobilized with shotguns and tear-gas bombs to quell the disturbances, in which dozens of stores were looted, 60 persons arrested and at least 11 persons injured, three of them with gunshot wounds.

While sporadic looting by roving bands of teenagers continued into the early morning hours, the major trouble appeared to have ended about 9:00 p.m.

The police said the lootings following the fatal shooting of a youth identified as Dexter Johnson, 17 years old, of 133 Schuyler Avenue in Newark. He was reported to have been shot by Patrolman _____

who was later reported to have been suspended from the Police Department.

Patrolman _____, 28 years old, has been a member of the department since May 10, 1965, and has been twice cited for meritorious police action. He is married and the father of two children...

According to the police, the Johnson youth and another teen-ager, riding in a borrowed car, struck a police car at Hunterdon Avenue and West Bigelow at about 4:30 p.m. The youth's car sped away and the patrolmen pursued in their squad car, the police said... (New York Times, May 20, 1968).

Another factor in the police policies of the late 1960s was the increased militancy of both black and white political groups. Young blacks in the central ward flocked to the militants such as LeRoi Jones, the poet--a charismatic leader in the early 1970s. White citizens, mostly Italians in the north ward rallied around Tony Imperiale, a leader of the North Ward Citizen's Committee sworn to defend Newark from the "black radical animals." The polarized race relations in 1969 were perceptively analyzed by journalist Stuart Alsop. The excerpt below perceptively describes the polarized, tense (and strangely similar) rhetorical styles of the black and white Newark spokespersons of the era.

Something odd and new and interesting is beginning to happen in this jungle-city. Riot-wracked Newark, in which Negroes are now a majority of the population, may well be the prototype city of the American future. So this odd, new, and interesting phenomenon is worth describing.

The convenient symbols of the phenomenon are LeRoi Jones and Tony Imperiale, LeRoi Jones is a poet, an intellectual, a Moslem, and a leading Negro militant and Whitey-baiter. Tony Imperiale is a karate instructor, a devout Catholic, and the leader of the North Ward Citizens' Committee. The members of his "committee"-- Imperiale claims 1,500 in Newark and another 3,500 in allied committees in nearby towns--patrol the streets of the predominantly white North Ward, riding in cars with two-way radios, and wearing black-painted helmet liners. They are said to have an arsenal of at least 1,000

rifles. Their purpose is to protect the North Ward against what Imperiale has called "black radical animals."

It is quite genuinely impossible to imagine two human beings more unlike in most ways than Jones and Imperiale. And yet there are certain ways in which LeRoi and Tony (they call each other by their first names) are oddly alike.

Tony, a second-generation Italian-American, is a great granite block of a man. His arms are great, meaty bunches of muscle, and looking at his sledgehammer fist, you can believe the stories about how a karate expert can split a thick block of wood with a single blow.

LeRoi Jones is a small, bearded man, with delicate, eloquent hands and dark, angry, wounded eyes. He has been convicted of carrying concealed weapons--two revolvers--during the 1967 Newark riot, and he is appealing the conviction. There is at least reason to suspect that he was convicted as much for his obscene and violently anti-white verse, which was read in court, as for the part he played in the riot.

Tony Imperiale's English is of the "dem-dese-dose" variety, and he has no intellectual pretensions whatever. LeRoi Jones talks the English of the intellectuals and talks it well. "Essentially what we are fighting for," he says, "is the power to define our lives. Newark is a city where black people are in the majority, and we mean to be masters of our own space."

Despite such differences, there are those odd similarities all the same. Tony and his men like to dress up, in their black helmet liners and--until they were forbidden by the authorities--in olive-green fatigues. LeRoi Jones and his men like to dress up too--in tarbooshes, brightly colored turtleneck sweaters and red vests.

Headquarters for Imperiale's Citizens' Committee is the one-story cinderblock building where Tony teaches karate. The helmet liners are hung on one wall of the meeting room, and tacked on another wall are such samples of black militant propaganda as a pamphlet on HOW TO MAKE MOLOTOV COCKTAILS and a flyer titled THE WOPS WANT RACE WAR.

LeRoi Jones operates out of the Spirit House, a decaying clapboard house in the heart of the black slums of the Central Ward. The walls of the main meeting room are lined with oil paintings, some good, some very bad.

Among the worst--artistically, at least--is a picture of a terrified, praying white man, being strangled by two black hands.

Both Imperiale and LeRoi Jones are tireless talkers, and both are sick with the American sickness--an obsession with physical violence. Imperiale makes much of the fact that his "committee" disciplines white as well as black offenders against "law and order." "We found some young white punks pushing pills," he said, "and we pulled up alongside them in a patrol of six cars, and I said, 'You getthehell outta here, and if you come back we'll break your kneecaps and throw you in the sewer.' Sometimes you gotta talk a little rough to these punks."

LeRoi Jone's verbal violence is reserved for "honkies," but he too thinks and dreams and writes in terms of the pain men can inflict on other men. One of his poems is a paeon in praise of the pleasures of "smashing at jelly-white faces" (New York Times, August 12, 1969).

In 1970 shortly before Mayor Kenneth Gibson was elected by a large reform (black and some white) constituency Spina resigned (in July of 1970). He was replaced by John Redden, a deputy chief, who was one of the few Newark police officers commended by the Hughes report for their conduct during the riot. Redden, a man publicly concerned with police professionalism, replaced many of Spina's top aides and generally demanded a breach with past policy. Redden immediately made an effort to transfer the most suspect Spina appointments and appoint persons committed to his more obviously professional police philosophy:

Director John L. Redden today announced 25 transfers at high levels in the Newark Police Department.

They are the first major changes made by Redden since taking over the directorship from Dominick A. Spina two weeks ago. The 25 transferred are among the 48 officers holding the rank of captain and above.

At the same time, Redden announced revision of the department's organizational chart to put three sections directly under him. One of the three, the traffic and signal bureau, "should, I feel, be part of the Department of Public Works," Redden said. He added his hopes the City Council will transfer the bureau at a later date (Star-Ledger, August 10, 1970).

Redden's apparently strong, but moderate and conciliatory tone and insight as to the plight of the city is suggested by the news article below describing a 1972 statement issued by him dealing with the problems facing the Newark police department in the early 1970s:

This Police Department is six-sevenths white in a city that is 60 percent black. The record will indicate that every reasonable effort is being made to recruit black recruits. In five years, this city will have to recruit, and develop 500 police officers, probably more than 1,000 will have to be recruited in the next 10 years.

Brutality Is Discussed

Reference has been made to police brutality. Admittedly, there have been instances of police brutality, but let us view it in the context of the display of violence and brutality in the community. In 1950, there were 24 criminal homicides in this city. In 1970, there were 143. This year promises to outstrip last year. Let us view it also in the context of the violence displayed and advocated by persons at public meetings.

What strategy do I propose? I propose that the department continue to recruit young men from the City of Newark, and that the centers of power in this city use their good offices to obtain the resources needed to replace our decaying facilities and acquire the needed equipment. For this approach to work we must buy time.

The approach must be explained to the public, and short-term measures must be taken to put added protection on the street. A decision must be made concerning the validity of this approach. If it is valid, it must be supported. If it is invalid, I should be replaced.

The present tensions parallel the conditions that existed before the riots in 1967. At that time, a public issue, not of the Police Department's making, was used to inflame emotions. At that time, the same type of demagogic rhetoric and violent conduct at public meetings, was used to inflame passions.

At that time, persons loaded the guns which were used to take the lives of 23 people. The blood of those persons is on the hand of those who loaded the guns more so than those who squeezed the triggers. The guns are being loaded again by those who would plunge this city

into the same type of apocalyptic convulsions it experienced in 1967 (Star Ledger, May 10, 1974).

Gibson, at first enthusiastically, supported Redden as police director. In one heated city council meeting when black militants (including poet LeRoy Jones) demanded Redden be asked to resign (to appoint a black police director) Gibson said, "Director Redden is the best police director in the history of Newark...the best police director in the nation. He has my unqualified, 100 percent support" (Star-Ledger, August 10, 1971)." Redden, however, retired following an intense political battle over a housing project which black activists wished to make a private preserve of black national culture. Following his retirement on December 31, 1972, Redden was replaced by Newark's first black police director, Edward Kerr.

Black Control of the Newark Police Department

Edward Kerr's 18-month administration, ending in July of 1974, reflected the symbolic accession of black control of the Newark Police Department. Director Kerr, however, allowed most of the deputy chiefs and other administrators to continue to maintain operational control of the department. After his appointment Kerr was quoted by the New York Times:

But he does not anticipate any shake-up in the top echelons of the department and he praised the appointments and policy decisions made to date by his predecessor, Mr. Redden.

"Director Redden's choices of deputies will only be an asset to me or anyone running the department," Lieutenant Kerr said (New York Times, Jan 31, 1973).

Kerr's removal occurred after he had taken a temporary leave of absence to study for the Captain's promotional exam (which ironically he did not pass). Gibson used his temporary resignation to replace him with Hubert Williams

who has remained as Police Director for almost seven years--one of the longest tenures of any Police Chief Executive in the United States. While Gibson was quoted as saying that "he hoped no one will consider his failure to reappoint Kerr as a reflection on the fine service he gave while police director," it seemed obvious that Gibson desired more politically assertive leadership on the part of the Police Director.

The administration of Hubert Williams reflects one of the most interesting recent cases of police reform. On the one hand, the Williams administration is symbolic of the last stop in the changing of the guard in the succession of ethnic groups to dominate the Newark Police Department. One black councilman community leader argued favoring Williams' confirmation, his nomination reflected (even more clearly than did Kerr's), the legitimization of the shift in political power in the city:

"When Newark had an Irish mayor, we had an Irish [police] director; when we had an Italian Mayor, we had an Italian director and now we have a black Mayor and all of a sudden the racists jump out of the closet" (Star-Ledger, August 4, 1974).

A Harvard and Rutgers educated lawyer, Williams has been a leader in such national groups as NOBLE (National Organization of Black Law Enforcement Executives) and a law enforcement group advocating abolition of the death penalty. Soon after his appointment, the city was marked by a riot following a Hispanic festival (Puerto Rican Day) in which a Puerto Rican man was allegedly killed by a mounted Newark police officer. In the aftermath of the riot Williams initiated a series of reforms designed to control force by police officers. For example Williams ordered that the department:

- o Issue name tags to all police officers, who will be required to wear them at all times.
- o Stencil all riot helmets with the identification numbers of individual officers.

- o Require a written report from any officer who fires a shot, and from any officer who witnesses the incident.
- o Develop a strict policy on Newark police activities in Essex County parks, requiring that Newark police stay out of the parks except when their help is requested by Essex County park police (Star-Ledger, February 12, 1975).

In addition Williams instituted major "shakeups" of both leadership positions as well as other key units, for example:

Newark Police Director Hubert Williams announced yesterday the transfer of 73 officers, including three deputy chiefs and 25 of the 36 narcotics squad members.

Williams maintained the transfers were not part of a shake-up but rather a "policy of rotating assignments at all levels."

The policy was designed, he said, "to create diversity, to maximize the skills and experience of members of the department and to improve the department's ability to perform its functions effectively."

While the director denied the reassignments were part of a shake-up, veteran police department observers disagreed (Star-Ledger, November 10, 1974).

Another major reform involved the radical restructuring of the internal affairs department, placing it under the control of an experienced black inspector. Under Williams this office would control all complaints involving the use of force and other improprieties.

The Internal Affairs Unit of the Newark Police Department--the bureau responsible for investigating misconduct by policemen--will be totally reorganized under orders from Police Director Hubert Williams.

A longtime object of controversy in the city, internal affairs will be redesigned to promote increased "relevancy, sensitivity and credibility," Williams said.

Named to head the reordered unit is Inspector Norman Green, 54, the second black inspector in the history of the police department and the first black to command the sensitive internal affairs division.

"Inspector Green has a reputation for professionalism and a no-nonsense approach to police work" Williams said....

"The fact that internal affairs was located in police headquarters may have served to intimidate citizens and inhibit them from bringing their complaints," he said. "We hope to create an atmosphere more conducive to people bringing their police problems."

More than just the trappings of the unit will be altered, Williams asserted, predicting a more efficient and sensitive approach to the processing of complaints.

Furthermore, the unit will no longer wait for complaints to come in. In cases where a police officer shoots a civilian, for instance, the Internal Affairs Unit will automatically launch an independent investigation of the action.

Williams also expects the new unit to serve a preventive role--by letting police officers know that "brutality, misconduct and violation of departmental rules will not be tolerated."

"I believe that with our new policies, officers who work for our department will be more accountable to the basic premises that underlie our professional code of ethics.

"Our aim is to upgrade the quality of law enforcement and to professionalize our methods," he said. "These are modern times with modern problems and we must relate more effectively to the people we serve."

"I have always believed it is the duty of police officers to aid and assist people; to perform that role not merely with efficiency, but also with a concern for human problems that inspires public support and respect for law enforcement," Williams maintained (Star-Ledger, August 15, 1975).

Reaction to the Williams Administration

While opposed by some police administrators almost immediately, by 1978 there had developed considerable opposition to Williams' leadership among some segments of the department. The opposition to Williams was intensified following layoffs of several hundred officers in 1976 and 1978. In the fall

of 1978, the Union demanded Williams resignation, citing his responsibility for poor department morale:

Newark FOP seeks ouster of Williams

The Fraternal Order of Police in Newark has asked Mayor Kenneth A. Gibson to demand "the immediate resignation" of Police Director Hubert Williams on charges he has contributed to the decline in morale of the Police Department.

Members of the FOP and the Policemen's Benevolent Association staged a daylong demonstration in front of City Hall Oct. 13 to protest a shortage of manpower, faulty and unsafe equipment and what was called the failure of the city administration to improve conditions in the department (Star-Ledger, October 19, 1978).

In a related incident in December 1978, 50 police cars were smashed, apparently by union policemen who had just attended a stormy meeting protesting the layoffs of several hundred fellow officers:

The windows of nearly 50 Newark police cars were smashed early yesterday and Chief Charles Zizza said he believes "police are involved" in the vandalism.

Meanwhile, an abnormally high number of police officers "booked off"--called in sick--last night in two of the city's four police districts--the West and the East--the same districts that had high absenteeism earlier this week when the layoffs were first announced (Star-Ledger, Dec. 9, 1978).

The union also launched a public campaign to discredit the Williams administration apparently as a means to have the Mayor retract the layoff order. The following posters offer illustration of the heated passions in this "campaign of fear":

WELCOME TO NEWARK: CRIME CAPITAL OF NEW JERSEY

- Murder
- Rape
- #1 in - Robbery (posted 12/78)
- Burglary
- Auto Theft

HAVE A NICE DAY!

200 COPS SHORT +
200 LAID OFF = (posted 12/78)
"TROUBLE"

CAUTION:

You are in the (posted 12/78)
CITY of FEAR
NEWARK, N. J.;

due to inadequate police manpower....

SHOP at your own RISK!

In February 1979 the police protesting the layoffs began a "rule book" slowdown:

NEWARK COPS LAUNCH 'RULE BOOK' SLOWDOWN

The head of Newark's Fraternal Order of Police (FOP) asserted last night his 900-member organization

will begin a "rule book" slowdown immediately as it steps up its protests against the furloughing of 200 police officers.

The union will also continue its "fear city" campaign, the FOP president said, asserting there were 22 rape cases reported the first two weeks of this month, compared to 11 for the same period a year ago.

"Burglary and robbery are up 52.7 per cent for the first two weeks in January this year," he added.

"We're going to tell the people that crime is on the rise, that (Mayor Kenneth A.) Gibson and the Greater Newark Chamber of Commerce are lying when they say crime is down" (Star-Ledger, Feb. 10, 1979).

In the last two years, there has been a general easing of overt conflict within the department; the major issue which has faced the Williams administration is its apparent inability to control what seems to be an endless wave of crime. Such perceptions had a clear basis in fact. While arrests have declined there has been an increase of almost 100 percent in monthly reported robberies from 1978-1980. Murder has similarly increased almost 100 percent from 93 in 1979 to 163 in 1980. Public reaction to the recent crime wave has focused increased criticism upon the department and pressed the demand for increased police resources:

Merchants and businessmen along Newark's Springfield Avenue are up in arms over what they view as a "drastic rise" in crime and what they say is a failure of the city administration to tackle the problem.

Citing a rash of break-ins, vandalism and armed robberies along the street, the merchants are mobilizing to either secure additional police patrols or gain assistance from non-municipal law enforcement agencies.

"Residents are being hurt, business people are getting hurt, and yet nobody is giving us any solutions," Griffin said. The impression, he said, is that the city "is either incompetent or had just written this area off."

The attitude is shared by most of the merchants along Springfield Avenue--many of whom can recite encounters they've experienced with crime in the past few months.

Albert's Furniture and Appliance at 573 Springfield Ave., was broken into a few months ago and the bandits left with 16 portable color television sets, says owner Albert Fastow.

"They broke right in through the front window, right on the street. Prior to that, they broke in the front door. Everytime we're broken into, we keep adding more electric security equipment. But what good is it if police don't respond?" Fastow asked (Star-Ledger, July 3, 1979).

Critics of the administration cited a falling (or plummeting) arrest rate--falling from nearly 26,000 in 1973 to less than 15,000 arrests in 1979. The city appeared to be held hostage by increasingly numerous and violent criminals and its police department appeared unable to stop them. In response to these charges the police director has recently articulated a view of crime that sees policing as but one element related to crime control. In one article, for example, Director Williams attempted to provide a perspective on how the responsibility of reality of crime in the city could not be totally placed upon his police department:

"Police officers today are very much like that Dutch boy with his finger in the dike, trying to buy America the time to cure her social ills."

That's how Police Director Hubert Williams views the role of the men under him. In the second of a two-part interview with The Star-Ledger, the police director discussed, among other things, the reason why the police feel like the proverbial "Dutch boy"--at times beleaguered and beset by the spiraling crime rate and the waning support of the people they serve.

"We see ourselves as wanting to do the job," Williams began, "and the cops--if it comes down to a gun or somebody getting held up--the cops are going to get there. And, they don't fear the dangers."

"Williams maintained that while his men perform their duty, "they have become awfully frustrated. They feel that in many instances there are too many constraints that limit them in doing their job. Some of them are concerned about the court decisions on search and seizure and those kinds of things."

The police director explained, "There is nothing more frustrating to a cop than to lock a guy up, and come back the same day and find that he's back on the street peddling dope again."

"We have to be honest for once and tell people that the judges are not putting people in jail because there is no room for them. That is a big part of the problem. The court calendars are overcrowded," he added (Star-Ledger, Feb. 12, 1980)...

As is evident from the preceding pages, the Newark police department of the 1980's had dramatically evolved from that which existed in 1967. In 1967 the plight of the Newark police might be summarized by the radical slogan, "Get the pigs off our backs." By 1980 the slogan of the City of Newark might be ironically characterized as "Why aren't there more pigs and more support of the pigs?" In this period the police force shifted in terms of both the race of its leaders and the fundamental orientation of its officers vis-a-vis the community. In this transition, deadly force policies could hardly avoid being affected.

Changes in Deadly Force Practices in Newark (1970-1980)

There has been an evident reduction in uses of deadly force in the city of Newark from 1970 to 1980. During 1971 at least 72 officers fired their weapons during the year. In the first six months of 1980 19 officers fired their weapons. As indicated below the rate of deadly force shows a steep decline from 1971 through 1974. The following years have seen a slow but perceptible increase in uses of deadly force.

Table 4

Officers firing their weapons at opponents

(7/1-12/31)	1970	32	Based on "available" shooting cases
	1971	72	
	1972	59	
	1973	30	
	1974	27	
(1/1-6/30)	1975	31	Based on "official" training office shooting log
	1976	27	
	1977	43	
	1978	42	
	1979	45	
	1980	19	

Analysis of individual uses of deadly force reports during this period indicates as well changing patterns within this period. Several types of shooting practices common in the early 1970s, have virtually disappeared during the past five years.

One practice which has virtually disappeared is the practice of shooting at fleeing misdemeanants and property offenders. Consider the following case from 1971 (a quite common incident in terms of the decision, if not outcome):

12/27/70 At about 9:00 PM this date at A Ave. and Bergen St., Detective assigned to the Night Detective Bureau and accompanied by another detective, fired one shot and killed a burglar who was carrying a stolen television set down the street. Complainant was also at scene. All necessary routine actions were completed and Lieutenant P, Homicide Squad, is continuing the investigation. Victim was fleeing the scene upon being questioned by the two detectives.

In the early 1970s, the use of deadly force was a seemingly routine arrest tool in situations where the suspect had escaped or was difficult to apprehend. The 1971 incident below involving three suspected fleeing robbers

provides an intriguing case in that without clear probable cause, nor identification, an "effect" shot was fired apparently to enhance the probability of an arrest:

1/5/71 1 University Ave. At Approximately 7:27 PM, two patrolmen assigned to Tactical Force Unit T-1 were responding with Motor Patrol Car #15 to 649 St., on a reported robbery. While enroute the officer of M.P. 15 observed three (3) suspects running to the rear of buildings at University & Central Aves. Arriving at that scene Ptlm. R. observed two of the suspects fleeing up the fire escape and over the rooftops. With Ptlm. C covering the front, Ptlm. R. observed the suspects kick in a lighted rear window at University Ave. At this point Ptlm. R fired one round from his service revolver. The shot missed and embedded in the wall. Few minutes later the suspects were apprehended in the hallway of the building. No injuries reported--Command Post, Deputy Chief D. notified.

Other shootings in 1971 and 1972 seem to have been almost expressive actions by the police officer in that in the frustration of a chase they would fire a shot at a fleeing suspect, as the suspect had climbed over an alley wall or fence:

2/71 They observed a black male leaving the building and dropping a bundle of clothing in the alley, at the rear of the building. Ptlm. C fired one shot from his service revolver and Ptlm. M fired four shots from his service revolver. Sometime later one black male was arrested at A and W Sts., and identified as the suspect.

Another type of "expressive" shooting incident which has virtually vanished involves the use of deadly force against a fleeing vehicle--an obviously dangerous action.

I hereby report the results of an investigation conducted by the undersigned relative to a shot fired by Patrolman L. of your Command. Said incident occurred at approximately 1:30 a.m. Tuesday, July, 1972. Ptlm. L. was off duty at the time as a result of being excused by the undersigned at 1:20 a.m. same date. There were no injuries sustained as a result of the shot fired.

Ptln. L. along with Ptln B., also of your Command, and also excused by the undersigned at 1:20 a.m. same date had dedecided to stop at a tavern located at S Ave. and West End Ave. and have a drink together before going home. Upon finding the above tavern closed, the above officers agreed to stop at another tavern located at South Orange and Gladstone Ave. before the 2:00 a.m. closing. While travelling East on South Orange towards Gladstone Ave., the following events took place.

Ptln. L. was in the lead with his private auto and Ptln. B. was following. At South Orange and M, while in the right hand lane, Ptln. L. observed another auto next to him. Looking over at the auto, Ptln. L. noticed the passenger motion towards him. Thinking that he might know the person, Ptln. L. again looked towards the other auto and noticed that the passenger in said auto was pointing a gun at him. This weapon appeared to be a 22 calibre revolver. Ptln. L. pulled his auto to a quick stop while the auto on his left slowed down then sped off. An attempt was made by the officers to overtake the other auto. Ptln. L. pulled into the left lane in an effort to pull abreast of the other auto so as to pull him over to the curb. Upon observing this, the other auto also pulled into the left lane causing Ptln. L. to again quickly brake his auto. At this time Ptln. L. observed the passenger in the other auto to turn around and face his direction again.

Having had a weapon (gun) pointed at him by the subject in the other auto, which is concurred in by Ptln. B. in his report that states "one of the men in the blue car stuck his right hand out the car window passenger side and had what appeared to be a gun pointing at Ptln. L.," Ptln. L. fired one shot from his service revolver at the fleeing auto. This shot, fired from NPD gun, did strike the fleeing auto in the rear trunk deck. The auto was later recovered and towed with the arrest of the driver from Irvington, N.J. One bullet hole was found in the trunk deck, no other damage reported.

Picture of trunk deck showing registration of auto submitted herewith.

The undersigned is of the opinion that Ptln. L. was justified in firing at the fleeing auto. This opinion is based on Law 1, Volume 1, paragraph 6 of the Rules and Regulations. Personal Knowledge of a High Misdemeanor committed in the presence of the above Officers justifies the application of Law 1, Volume 1. There was no violation of the Rules and/or Regulations of the Department by Ptln L. in firing his weapon at the fleeing auto.

A final type of use of deadly force which has virtually vanished in Newark is what might be called an "anger shot" fired on an especially offensive suspect or suspects who appear intent upon making good an escape. Often such police use of deadly force involved minimal force by the suspect. Often such shots were fired in such situations as they would almost necessarily subject innocent citizens to grave risk. Consider, for example, this 1972 incident report (and its acceptance by police reviewers) which a few years later would almost certainly have been judged a reckless and dangerous action by the officers involved:

I hereby report the results of an investigation conducted by the undersigned relative to shots fired by Patrolman L. and Patrolman R., both of your Command. The above incident occurred in East Newark, N.J. on Tuesday, March, 1972, at approximately 10:45 p.m. Five rounds were fired at a fleeing vehicle which had been intentionally operated in such a manner so as to cause an assault and battery on the mentioned officers.

At approximately 10:40 p.m., March 21, 1972, Ptlm. L. and Ptlm. R. while working in regulation uniform of the day and assigned to the North District in "T" car did observe a 1963 Buick travelling East on Seventh Ave. Also observed at this time was a white male driving and two black males as passengers. This vehicle pulled over to the curb on Seventh Ave. at its intersection with Summer Ave. to discharge the two passengers. Before alighting from the vehicle, the black males were embraced and kissed by the white male, each individually. The two black males after leaving the vehicle began walking towards the Northwest corner of the intersection. From their observations, the officers reasoned that the two black males could have possibly been under the influence of drugs.

The vehicle, which had no rear lights, sped away from its parked position at a high rate of speed with the lone male driving. The officers gave chase and pulled alongside the vehicle at Broadway and Broad St. The operator of the vehicle was ordered out of the car after pulling over to the curb, this order was ignored. The operator did drive away, again operating at a high rate of speed heading East on St. The officers followed the fleeing vehicle with red light and siren notifying the dispatcher that they were in a chase.

The chase continued into East Newark where the fleeing vehicle was forced to stop due to a line of traffic waiting for a stop light at Central Ave. and Grant Ave. At this time the officers jumped from their vehicle and opened the door of the suspect vehicle. The subject was verbally placed under arrest and ordered to shut his engine and exit from the vehicle. The subject used profanity against the officers and stated "you're in East Newark, you have no authority." The officers then reached into the vehicle to evict the operator when he accelerated with enough force to throw him to the ground. At this point R. suffered a lacerated finger in the incident and L. fired five shots at the car.

During the period 1970 to 1980, major changes in formal Newark police department policy related to deadly force occurred. For example, we will describe changes in shooting guidelines, training, tactics and deployments, and review of uses of deadly force incidents.

Changes in Shooting Guidelines

The formal use of deadly force guidelines of the department reflect New Jersey common law and are defined in Section 9 of the Departmental Regulations:

9:6.2 Unauthorized Discharge of Firearms. Examples of instances in which firearms shall not be discharged are cases involving:

- (1) The commission of a misdemeanor.
- (2) A violation of any City Ordinance.
- (3) A violation of the Disorderly Persons Act.
- (4) A violation of the Motor Vehicle Act.
- (5) A fleeing motor vehicle when the occupant is a minor offender and is not wanted by the authorities for a grave high misdemeanor.

(6) A person called to halt on mere suspicion and who, without resisting, simply runs or drives away to avoid arrest. Neither shall a police officer shoot at a person who is running or driving away to avoid arrest for a minor offense.

9:6.3 Authorized Discharge of Firearms. A police officer may discharge his firearm in the performance of police duty under the following restrictive circumstances:

(1) In the actual defense of his own life, or the life of another when other reasonable means of defense have failed;

(2) When attacked with a deadly weapon;

(3) When effecting the arrest or preventing the escape of a person who, to the personal knowledge of the officer, has actually committed a crime of no lesser degree than a heinous common law felony such as arson, burglary, robbery, rape, murder, sodomy or the statutory crime of kidnapping and there is no other way of taking him.

(4) When firing warning shots to prevent escape or to effect arrest for incidents described in (1) (2) (3) being accountable, however, for any negligence resulting in injury to any person.

(5) When there is need for ballistics testing;

(6) When in attendance at an approved firing range.

9:6.4 Exhaust All Reasonable Means before Using Weapon.

Even under extremely critical circumstances a police officer is not justified in discharging his firearm until all other reasonable methods of effecting the arrest have been exhausted.

9:6.5 Firing of the Weapon under Other Circumstances.

A police officer may fire his revolver to dispose of an animal that is dangerous or that is seriously injured when other means of disposition are unavailable.

While the formal guidelines have remained constant during the decade, police officers in recent years have, through training, and sanctioning, been "discouraged" from shooting to arrest except under the most dire circumstances (e.g., to capture an escaping violent felon). Warning shots, while still allowed, have been similarly progressively "discouraged." In this sense the policy has evolved through reemphasis of policy principles, rather than by formally altering the guidelines. An example of such guideline revisions (by "reemphasis") may be found in a training bulletin implemented in September 1978 following a controversial police shooting incident. In this document the department rearticulated its informal policy limiting uses of deadly force to arrest only specific heinous and inherently violent felonies. The document cites a particular case of a possibly reckless shooting (one shot fired at a juvenile "joy-rider"), and reminds officers of certain key concepts in the established guidelines--those requiring officers to have direct knowledge that a felony has been committed.

Ongoing review of deadly force policy has been an almost continuous and pressing concern of the top level command staff. In 1980 for example, a review of the present policy was undertaken with a decision made not to

change the rules concerning warning shots. The memo below reflects the type of thoughtfulness common to reviews of Newark deadly force policies.

PURPOSE OF THIS REPORT:

Due to the current high degree of interest which is now being directed at all police shooting incidents, by reviewing authorities, civil activists and the judiciary, it is the intention of this report to examine and recommend upon one area of our Department's present policy concerning such shooting: Warning Shots.

Under the provisions of Chapter Nine of our Rules and Regulations, members of our Department are presently permitted to fire warning shots in order to prevent the escape of, or effect the arrest of, perpetrators (1) in the defense of the officer's own life or that of another when other reasonable means of defense have failed, (2) when attacked with a deadly weapon, and (3) when to the officers own personal knowledge, a crime of no lesser degree than a heinous common law felony is committed. Notwithstanding the implied permissiveness contained in Chapter 9:6.3 (4), the officer remains accountable for any negligence which might result in injury to any person.

Various police authorities and other jurisdictions view warning shots as totally undesirable and advocate their prohibition.

APPRAISAL OF THE PROS AND CONS:I. In support of a change in policy

- A. LAW ENFORCEMENT DESK REFERENCE, 1979: "Officers should not use warning shots for any purpose. Warning shots endanger the lives of bystanders and in addition, may prompt a suspect to return fire."
- B. I.A.C.P. TRAINING KEY #249: "Use of warning shots to stop a fleeing suspect or to gain control of an incident is NOT recommended...The service revolver should be fired only when the officer is forced to kill..."
- C. THE POLICE CHIEF, July 1967: "...the practice has nothing to commend it and should be terminated. A final and compelling reason for prohibiting warning shots is that officers other than the one who fired a warning shot may easily be decoyed into killing a suspect by believing that the officer's shot was indeed offered to kill, not to warn."

II. Supporting Retention of Present Policy

- A. LOCAL FIREARMS STATISTICS: Records maintained in this office show that during the period 2/6/78 to the date of this report, 23 reported instances of warning shots have been recorded. Only one of them has resulted in injury and in that instance the injury was to the officer himself due to improper procedure. None resulted in property damage. However, several quality arrests, one of them multiple, were

effected as a result of warning shots fired by our officers.

- B. TO AVOID DEGRADING MORALE: Additional shooting restrictions to those already in effect in the Department are likely to cause hesitation on the officer's part, which in turn would represent a very real danger to his life in many situations. A serious erosion of morale then would follow with consequent decrease in effectiveness.
- C. THE MAINTENANCE OF ALTERNATIVES: Fatal gunfire by police officers is the least desirable method by which to resolve a situation and our experience has shown that warning shots have on occasion been able to accomplish the objective where the only other alternative was to shoot to kill.
- D. ADMINISTRATIVE FLEXIBILITY: Total revision of the permissive policy on warning shots would deprive the supervisor of any option toward classification of shots fired but targets missed, given a situation in which no injury or property damage or other adverse consequences result.

SUMMARY AND CONCLUSION:

Overwhelmingly, the consensus of recognized police authorities opinions is that warning shots should not be fired by police officers in the performance of their duties. In addition, the majority of the other cities whose police shooting policies were examined in this study

seem also to lean toward the outright prohibition of warning shots or they severely restrict the situations under which they may be fired.

For purposes of this report, however, only the interest of this Department and its needs is considered and in an assessment of the above pros and cons, the retention of our present policy on warning shots seems to be desired.

The undersigned therefore recommends no change in the present policy, however continued and thorough examination of all warning shot incidents is also suggested for further implementation.

Training

Training related to deadly force as a formal activity in the Newark Police Department has shown a certain inconsistency during the period under review. Through the early 1970s police academy offered annual or semi-annual training classes. In recent years, the academy has been restricted to annual refresher courses, involving practical shooting training. Officers also retrain in double action, practical pistol, and shotgun training. Due to financial constraints, officer shooting training is restricted to annual requalifications.

Roll-call training related to deadly force has been sporadic. In 1973 officers in the patrol division received a course in firearms taught by the Alcohol and Firearms Training bureau. In 1974 training was given in unarmed defense, response to crimes in progress, and observation of the New York crime unit. In 1976 in-service training was given in the area of crisis intervention (2-1/2 hours per officer). In 1976 a 12-hour firearms training course was also given to officers; in addition, training was given to all officers returning after layoffs. In 1977 a firearms reaction course was

established; also there was an ambush response course given; also there was a course given in hidden weapons. In 1978 and 1979 training was given in self-defense, crisis intervention and a course dealing with in-progress crime simulations.

Tactics and Deployment

The department experienced a number of changes in tactics and deployment during the years under review. A major change in tactics obviously related to the use of police deadly force was the establishment of a tactical unit in February of 1969--a response to the riots of earlier years. A news article records this event giving an indication of the proactive mission of the unit.

The Newark Police Department's new Tactical Force starts operations tomorrow but won't have a home until Wednesday. Computers will play an important role in governing those operations.

Headquarters will be the first floor of a four-story building at 46 Franklin St., which until last week was used by the sanitation department for storage, Police Director Dominick A. Spina said. The floor is currently being readied for Wednesday occupancy by the new, elite 35-man crime-fighting unit.

Spina said that in setting up the TF, he put out a call for volunteers and response was "fantastic." Volz was given a free hand in picking any of the volunteers he wanted.

"The precinct captains can't be blamed for being unhappy because they lost some of their best men," Spina said.

As for the men who weren't picked, many of them appealed to him to intercede with Volz, Spina said. However, since Volz is to have a free hand, the director added, he refused to intercede.

"This has become the hardest squad to get into in the department and the easiest one to get thrown out of," Spina said. "There's a long list of men waiting to fill any vacancies."

The TF members who have an average of 2-1/2 years of police experience, will shortly be trained in riot control. The men will be used mostly for "selective law enforcement," often to serve as the "spring board" for any future police operations, Spina said (Star-Ledger, Feb. 15, 1969).

During the next several years, through 1974, this unit remained in a high state of readiness, winning many command citations, making roughly 2,500 arrests per year and receiving intensive training in a variety of areas related to deadly force. In 1974 a federal grant allowed for the establishment of a proactive decoy/disguise unit called the Anti-Crime Unit which was established as a compliment to the tactical team. In 1974 the tactical force was also increased to 57 men and switched to a radio band reserved for its operatives.

In 1976 the tactical force was decreased by five men to 52. The Safe Streets Program remained at 48 officers. In 1977 the tactical team was further reduced to 49 men. The anti-crime unit (decoy squad) was reduced to 24 men. The arrests made by the tactical team were, however, increased to more than 3,000 arrests during the year. In 1978, the tactical team remained at 49 men. The anti-crime unit was disbanded in September due to a lack of funding. By 1980, due to financial constraints the tactical team was reduced to fewer than 40 officers.

Review of Shooting Incidents

There have been major changes in the process of shooting review during the 1970s. During the Spina, Redden and Kerr administrations the gathering of information regarding shooting incidents was undertaken by the shooting officer's own immediate commander and reviewed by superior officers. Typically, a sergeant would submit a report and this report would, in turn, be reviewed by the officer's commanding officers. These reports were often

brief with minimal efforts made to verify statements by the officers involved and their immediate supervisors. Often facts in (non-fatal) shootings were stretched to fit existing guideline requirements. "Fatalities" and "serious hits" were to be reviewed by the "Violent Crimes Bureau," a division of the Detective Bureau. Such cases received intensive review by experienced homicide detectives. A major change in review policies occurred in November 1975 which required extensive individual reports by officers involved in any shooting incidents. This order demanded independent reports from other officers involved in the incident who may or may not have used their weapons. This order required far more extensive documentation by the superior officer reviewing the case and required that stricter evidentiary controls be placed on the review of the incident.

With the new review procedure, the responsibility of review was transferred from the command structure (and violent crimes) to the internal affairs division. A white (Lt. Gothier) and a black (Lt. Reed) superior officer were assigned to the shooting review section of the internal affairs department. These officers were experienced officers and investigators, and were widely respected for their objectivity. The order attempted to create a conceptual and practical separation of command and review policies. The team had the power to report directly to the Police Director who would personally review their findings. They also had the power to call on other investigatory resources in finding witnesses, etc., essential to the review of the use of deadly force.

A more recent extension and formalization of the police department's review policies in June 1980 has provided for the independent and comprehensive review of all incidents of use of deadly force. This order extends the requirement for full verification of all facts in deadly force incidents.

Another aspect of the administrative review of police deadly force relates to the sanction of abuses of police force. The number of sustained cases in relation to persons charged is presented below:

<u>Director</u>	<u>Year</u>	<u>Allegations of Excessive Force</u>	<u>Sustained</u>	<u>%</u>
Spina	1970	44	3	7
Redden	1971	50	7	14
Redden	1972	31	6	19
Kerr	1973	20	3	15
Kerr/Williams	1974	28	4	14
Williams	1975	46	4	9
Williams	1976	43	17	39
Williams	1977	39	5	13
Williams	1978	25	10	40
Williams	1979	12	2	16

Independent of the objective rate of sanctioning, many officers we interviewed perceived that the public stand of "toughness" on the part of Hubert Williams' response to the abuse of deadly force presented a powerful impact to members of the department. Three examples of such actions were frequently cited by officers we interviewed.

One commonly mentioned example of Williams' public stand on the use of deadly force followed his investigation of police force following the death of a man in a Labor Day Puerto Rican Celebration riot in September 1974. In this incident one man was killed and there were allegations of several unauthorized (and unreported) discharges of police weapons. The news article below reflects the perceived intensity with which Williams reviewed the allegations which surfaced after the incident.

Newark Police Director Hubert Williams yesterday launched a departmental investigation to determine the validity of a special grand jury's charge that members of the city's police force unlawfully killed two men during the Hispanic Labor Day disturbances last year.

After issuing an order to begin the investigation, Williams, at a press conference in Police Headquarters, called on Essex County Prosecutor Joseph P. Lordi to continue his probe which led to the grand jury presentment.

Lordi has already stated the county probe will continue. The grand jury, in the presentment, had requested an extension of the investigation.

"If there are killers in the Police Department, then we ought to find out who they are and bring them to justice," Williams said. "No stone should be left unturned."

Williams said he favors a continuation of the county probe to guarantee an accurate determination of the facts.

"The police department's credibility is damaged," Williams said. "We have to accept the grand jury's allegations that Newark Policemen were involved in criminal activity" (Star-Ledger, Feb. 26, 1975):

A second major action by the Police Director occurred following the death of a prisoner in a jail cell in August of 1978, involving an officer named Kenneth DiAngilis: DiAngilis had shot a prisoner in the West precinct where he had been assigned as a jailor. DiAngilis claimed the man had struck him with a chair leg. However, an autopsy report indicated the man had been shot behind the neck. After a local prosecutor failed to indict the police officer, Williams himself ordered the man arrested for attempted murder. While DiAngilis was acquitted of the felony charge, Williams successfully fired the man. The incident to many officers indicated Williams' "hard line" on deadly force and symbolized a controlling attitude regarding the use of deadly force which few officers could miss.

A final incident in February 1981 involved the shooting of a Puerto Rican youth by a black police officer. Following the incident more than 200 Hispanic citizens gathered to protest the incident. After an Internal Affairs investigation and autopsy report tended to contradict the version given by the officer, the man was suspended without pay and a grand jury homicide investigation initiated.

This brief overview of deadly force by the Newark Police Department should provide a social context to interpret the more scientific findings reported elsewhere. These results (in terms of shifting rates of deadly force and changing shooting practices) obviously are intertwined with the city of Newark's complex social history. It is our hope that the reader will use this appendix to provide useful historical context and an interpretive framework for the statistical analysis in the report.

APPENDIX O

BIRMINGHAM, ALABAMA:

SOCIAL, POLITICAL, HISTORICAL PERSPECTIVE

Birmingham was founded in 1871 and therefore was in its childhood during the era (between the Civil War and World War I) when the modern American city emerged. As Harris (1977) describes its rapid childhood growth:

Its few hundred residents (at its birth in 1871) were mostly land speculators and gamblers, its streets were mud, its buildings were shacks, its railroad depot a box car. By the time of its 50th birthday in 1921, Birmingham had grown up to become the leading industrial city of the American South, its skyline dominated by imposing skyscrapers and industrial smokestacks, its incorporated territory stretching over 50 miles of busy streets, sprawling streetcar lines, residential suburbs, and industrial plants. And in 1921 it had more than 180,000 inhabitants who produced coal, iron, steel, cast iron pipe, heavy machinery and textiles, and who provided commercial, financial, and transportation services for the entire state of Alabama (p. 12).

The rapid growth of Birmingham earned it the nickname "The Magic City." And significant growth continued after World War I in both the trade and manufacturing sectors.

Its growth in the commercial and industrial realms was matched by its growth in religion. By the early 1960s there were more than 700 churches in Birmingham, with weekly attendance estimated (by the Birmingham News) to be one of the highest in the United States.

The depression of the early 1930s was particularly hard on Birmingham because of its great dependence on steel production, a heavy casualty in the decimated economy. But of greater importance in the long run were certain underlying developments. In the words of Morgan, 1964, (p. 23):

Birmingham was a crucible of all the forces that breed violence: poor and impoverished whites and Negroes; and an economy controlled in the Capitol and North; a political and economic system based on the blood and sweat of workers whose lives were made up of fists and knives, guns and dynamite, Saturday-night whiskey and chits at the company store.

While Alabama left the National Democratic Party to support a states-rights ticket in 1948 because of President Truman's civil rights programs, the governor of Alabama at the time, James E. Folsom, expressed sincere and continuing support for black rights and black enhancement. But the decision of the U.S. Supreme Court in 1954 in the case of Brown v. Board of Education of Topeka created such anti-black fervor that quiet progress became impossible. Indeed, eight years later, one of the disciples of James Folsom, George Wallace, became a powerful political personality on the very issues that Folsom denounced--racial discrimination. There followed a series of events that rapidly converted the national image of Birmingham into one of violence and hate. And that was the city with more than 700 churches and overflowing church attendance! Some of these events are the following: (1) A black girl, Autherine Lucy, applied for admission to the University of Alabama; riots broke out over the issue in 1956. (2) In 1961, a Freedom Rider bus was burned in Anniston, Alabama and another Freedom Rider bus was met in downtown Birmingham by a group of white thugs who proceeded to beat up the riders and reporters on the bus. (3) In June, 1963, Governor George Wallace attempted, unsuccessfully, to block the matriculation of black students at the University of Alabama in a direct confrontation with federal authorities. The defeat of Governor Wallace came about by federalization of the Alabama National Guard. (4) On Sunday, September 15, 1963, a bomb exploded on the steps of the Negro Baptist Church in Birmingham. Four black girls, aged 14, were killed in the explosion. Many others were injured.

The impact of these types of social events upon policemen has been nicely summarized by Caiden (undated, p. 1):

In the early 1960's the police forces of the major cities of Alabama hit national headlines for their brutal opposition to the civil rights movement. They would set

police dogs on pickets and demonstrators. They would run civil rights workers out of town. They would man-handle non-whites and victimize liberals. They openly aligned themselves with right wing factions and it was rumored that they were greatly over-represented in the Klan. Certainly, they did little about the bombings and killings perpetrated against blacks, and seemed to glory in their undisguised discrimination and blatant disregard for the law of the land. They were authoritarian, oppressive, racist, violent, corrupt, poorly trained, badly disciplined, ill-equipped and a national disgrace.

The Birmingham Police Department was no exception. It was dominated by "Bull" Connor, one of three municipal commissioners who ruled over Birmingham, and epitomized the South's resistance to national pressures to change. His resolute defiance of equal rights, his outspokenness in defense of racial prejudice and bigotry, and his encouragement to police oppression, provided the climate in which the Birmingham Police Department worked and shaped a compliant, self-serving, backward looking police leadership ready to enforce Bull's handling of local affairs, all the more so as it operated out of City Hall. It was an instrument of white supremacy.

Under pressure from such forces as widespread voter registration, population movement, and federal suits, Birmingham began major efforts to adapt to the new social reality in the early 1960's. It's not that there were no progressive forces in Birmingham prior to that time (see, for example, Morgan, 1964), but their impotence was made evident in numerous instances of public abuse, including severe beatings.

The commissioner system of government, which was the source of power of people like Bull Connor, was eliminated in 1962 in favor of a mayor and council consisting of nine members. In the new form of government, the mayor had direct responsibility for police administration. Political reform over the ensuing years led to police reform. A major leap in the conversion of the Birmingham Police Department from a corrupt, regressive organization to "one of the most open, progressive approachable police forces in the country"

(Caiden, p. 2) occurred on August 16, 1972 when James C. Parsons was promoted from Captain to Chief of Police.

The changes that Parsons reflected are well communicated in the following quotes contained in a document entitled, "A Challenge to Tradition: The New Philosophy of Today's Birmingham Police Department." The document was written by Parsons and directed to the officers of the department:

The command staff of the Birmingham Police Department assumes nothing. There is a willingness to question and test tradition. New alternatives are developed and their ramifications discussed freely and openly in staff meetings. Younger staff officers vigorously defend their ideas and proposals and receive praise or criticism when due. The young and educated are challenged to prove their worth and defend their suggestions. The experienced are listened to with an attentive ear.

Involvement of all departmental personnel to the limits of their ability and desire is a worthwhile goal sought by the administration. A climate conducive to change is intentionally created and honest errors are accepted without fear or threats of coercion.

Change requires objective research, critical analysis, and positive action. Objectivity is essential; therefore, involvement of agencies outside the department which are capable of conducting research is invited, even requested. Students of local universities, along with their professors, are becoming actively involved with members of the department in searching for solutions to community problems related to criminal justice.

The University of Alabama in Birmingham is a valuable asset to a police department involved in the change process. Here department members can seek answers to complex questions of human behavior, and develop usable programs to implement during urban crises.

It must be pointed out, before proceeding further, that the entire political body of the City of Birmingham is committed to change for improvement. Without their desire for a professional department it would not be possible to develop such an organization.

Traditionally the role of the police has been identified as law enforcement. Our complex modern society has made new demands on police organizations and a distortion of the traditional role now exists in the public sector. Some police officers also appear confused when queried as to their role in today's scheme of things. Recent studies in other cities have revealed some interesting findings concerning the functions police actually perform. A finding of one study was that 92 percent of an officer's time was taken up with service to citizens rather than law enforcement "per se."

It is an axiom to state that no profession exists unless those engaged in its practice made discretionary decisions. However, the making of faulty discretionary decisions can hinder the attainment of professional status. In the case of the police it is particularly important in light of their use of authority to control behavior. Historically law enforcement officers in the United States have not been selected wisely, trained properly, or led competently. Police organizations have been neglected and abuses of police authority and discretionary power have deterred efforts at police professionalization.

Law enforcement administrators find themselves in a quandary today, by virtue of the fact that discretion is necessary but the abuse of discretion is discrediting. The Birmingham Police Department plans to solve this dilemma by first establishing tight controls over police authority and operations and later, after public support is secured and personnel are committed to professional service, relaxing controls. Federal funding has been secured for an Inspection Controls Bureau to aid the Chief in directing and controlling departmental efforts. Additional increments of funding will be necessary to maintain this Bureau before stringent controls can be relaxed.

On the issue of the use of firearms, in October, 1953, Eugene "Bull" Connor transmitted a police manual to all officers of the Birmingham Police Department containing the following rules:

Rule 571: Members of the Police Department shall not permit anyone to take their firearms for inspection or any other reason, except superior officers in their regular scope of duty.

Rule 572. No members of the Police Department shall point their firearms at any person, threateningly, playfully or otherwise, except when necessary to defend their lives, the life of another, or to effect the arrest of a criminal who has committed a serious crime.

Rule 573. Superior officers issuing firearms to members of the Department shall make a record of same and see that they are returned when the emergency which necessitated their issuance has passed, and such records shall be filed with the Chief of Police.

On March 14, 1975, Chief Parsons issued Directive 3-75, Firearm Use Policy with purpose, "To establish a policy to provide guidance to officers in the use of firearms." The Directive was as follows:

I. Policy

An officer is equipped with a firearm to defend himself or others against deadly force, or the threat of imminent deadly force. However, when a firearm is used by an officer, it must be with the realization that the death of some person may occur. Justification for the use of an officer's firearm is limited to facts known to the officer, or perceived by an officer at the time he decides to shoot. Facts unknown to the officer cannot be considered in later determining justification of the shooting. The law authorizes an officer to use deadly force (use of firearm) when it appears necessary to protect himself or others from what reasonably appears as an immediate threat of great bodily harm or imminent peril of death. No policy of this department shall limit that law. In the extreme stress of a shooting situation, an officer may not have the opportunity or ability to direct his shot to a non-fatal area. To require him to do so, in every instance, could increase the risk of harm to himself or others. However, in keeping with the philosophy that the minimum force that reasonably appears necessary should be used, officers should be aware that, even in the rare cases where the use of firearms reasonably appears necessary, the risk of death to any person should be minimized.

II. Guidelines for Use of Firearms

A. Fleeing Felons. By statute, an officer is authorized the use of deadly force when it reasonably appears necessary to prevent the escape of a felon. Such force may only be exercised when all reasonable alternatives have been exhausted, and must be based only on facts or what

reasonably appear to be facts known to the officer at the moment he shoots. It is not practical to enumerate specific felonies and state with certainty that the escape of the perpetrator must be prevented at all costs, or that there are other felonious crimes where the perpetrator must be allowed to escape rather than to shoot him. Such decisions are based upon sound judgment, not arbitrary checklists.

B. Juvenile Felony Suspects. An officer generally should not shoot at a fleeing felon whom he has reasonable grounds to believe is a juvenile. However, when the escape of such a suspect can reasonably be expected to pose a serious threat to the life of another person, then, under these circumstances, an officer may shoot to prevent the escape of such person. This section does not limit an officer's right of self-defense or his defense of others whose lives he reasonably believes are in imminent peril.

C. Hostages. Criminals who use hostages to effect their escape are desperate individuals who, if allowed to escape, will pose a continuing threat to their hostages and to the public at large. Assurance that a hostage will be released unharmed is a meaningless promise. The department does not have the ability to protect the safety of a hostage who is allowed to be removed from the presence of officers. The safety of hostages can be best assured by keeping them in the presence of officers and by preventing their removal by the suspect. Officers should use every verbal and tactical tool at their disposal to secure the arrest of the suspect without harming the hostage. However, officers should realize that exceptional situations could arise where considered judgment might dictate allowing removal of a hostage, such as where there is imminent and probable danger to a large group of persons.

D. In summary, every possible consideration should be taken prior to the use of a firearm, and if an officer believes that, under existing conditions, he should not use a firearm to apprehend a felon, he will not be criticized or disciplined for this decision, and his decision to employ every other means to effect an arrest.

James Parsons left Birmingham in June, 1978, and was replaced by George Wall, as Acting Chief for the period June, 1978 to October, 1978. In October, 1978, Bill R. Myers, a protege of Parsons, became Chief of Police.

An event that occurred in 1979 had major impact upon the Birmingham Police Department, particularly on its deadly force policy. On Friday, June 22, 1979, a man named Alger Pickett became embroiled in a dispute with Mike Avery, an employee of Jerry's Quick Mart (a 7-11 store) in Birmingham. The dispute began when Pickett objected to paying for gasoline before pumping. And it became more and more intense, reaching a point of mutual punching. The fight was broken up by two other men, Pickett left the store, drove away, but returned shortly thereafter. After parking on the 7-11 lot, he opened the car's trunk and removed a rifle. He shot from the parking lot into the store with that rifle, hitting Avery in the left shoulder with one of the bullets. Employees from the store shot back at Pickett, including a double shotgun blast. Pickett ran away, crossing the street, leaving his car behind. From this distant position he called out a request to have his car driven off the parking lot to his present location.

A young lady by the name of Bonita Carter responded to his request, got into his car, and started driving it off the lot. She was rather a tall girl who was wearing a cap that concealed her hair. As Carter was pulling away, the manager of the store ran after the car with a pistol in hand. The manager, Ray Jenkins, had been sleeping in a rear storage area and, when awakened by the earlier shots, guessed that a robbery had taken place. He assumed, as he ran after the car driven by Carter, that he was chasing a robber who shot his friend Avery.

Two Birmingham police officers were arriving in the 7-11 parking lot for a refreshment stop when they heard a radio dispatch stating that there was a robbery in progress at the store. The dispatch in that form came about because Jenkins had earlier triggered a robbery alarm when he came into the store proper from the storage area.

The officers stopped their car abruptly, and, with guns drawn, went toward the car driven by Carter--which by this time had stopped in response to shouted orders from Jenkins. As the officers approached the car, Jenkins stated, "That is the car. They have got a shotgun. They shot Mike" (p. 674). Officer Hollingsworth approached the car from the rear on the driver's side and Officer Sands from the rear on the passenger's side. They called out a warning to Carter that they were police officers, but she was apparently petrified by the whole affair by this time and slumped down in a concealed fashion on the front seat.

Several witnesses to the events stated that they shouted to the officers that the driver was an innocent girl, not the man who shot into the store, but in all the excitement the officers apparently did not hear them.

As the officers eased toward the car, a head with a light colored hat suddenly popped up. Officer Sands fired four times--Carter died a short time later.

The area of Birmingham in which the shooting took place is characteristic of many urban "zones in transition" in that it faces severe racial tensions and often violence. A reflection of the violent atmosphere in the area is evident in the testimony before the hearing committee called to investigate the case. Wayne Crusoe, another employee of the 7-11 store on duty on the night of the Carter shooting, testified before the committee as follows:

Well Sir, while I was stocking, which I think was approximately about five minutes after I had been in the cooler, I first heard something go bam, which I thought was the cooler door opening and closing like somebody just opened it and closed it. Then, I heard a series of bam, bam, and looked out and saw the customers scrambling for safety. A lady fell down in front of the cooler. I realized, when I heard the next bang, I figured somebody must be shooting, so I got my pistol out of my pocket and pushed the cooler door open....

Many of the other store employees testified either that they had guns in their possession or that guns were readily available in the store. All the gunplay occurred with many bystanders in the area, including young children.

Within a week of the shooting, there was major unrest in the black community. By the following weekend, the Kingston neighborhood (in which the Carter shooting had taken place) was the scene of a rock throwing episode and tense police-citizen interactions. The windshields of police cars were covered with canvas bags to protect them against rocks. The Southern Christian Leadership Conference demanded the firing of the officer in the shooting.

Chief Myers appeared at a black community rally and was barely allowed to speak; he reported that his knees were trembling with fright.

The next week, community leaders warned that riots would continue unless there was legal action taken against Officer Sands. While the parents of Bonita Carter urged citizens not to commit violent actions, they demanded official action in the case involving their daughter. In the following weeks, a citizens' panel was formed to provide a public forum for the controversy. It decided that the shots were fired "without sufficient justification." A police review panel had ruled the shootings were within departmental guidelines. Protagonists for the police as well as for black rights marched on the convenience store in Kingston. Black groups demanded the firing of the officer. White groups protested in sympathy with victims of violent crime. By midsummer there were numerous scuffles between black and white groups.

While the mayor of Birmingham, David Vann, refused to dismiss the officer who shot Carter, he was far from publicly unsympathetic toward those who suffered from the tragic event. Indeed, Vann had previously been a spokesman for black causes and had been elected with black support. Still, events identified him with support for the police rather than the black cause. The

election that followed between Vann and Richard Arrington, a black councilman (who had been on the Public Safety Committee of the city council for many years), focused largely on the issue of police shooting, particularly deadly force policy.

Arrington did defeat Vann and became mayor in November, 1979. A new, and more restrictive, shooting policy came into effect in August, 1979. The policy, issued by Bill R. Myers, Chief of Police, as General Order 1-78, Firearms Discharge Policy (revised August 24, 1979) was as follows:

A. Firearms Discharge Policy

An officer is equipped with a firearm to defend himself or others against deadly force, the threat of imminent use of deadly physical force or to prevent serious physical injury. However, when a firearm is used by an officer, it must be with the realization that the death of another human being may occur. Such use of firearms must be strictly guided by adherence to a clear and known policy. This policy is not intended to create doubt in the mind of an officer at a moment when action is critical and there is little time for meditation or to prohibit an officer from using deadly force to protect himself or a third party from death or serious bodily injury. It provides basic guidelines governing the use of firearms so that officers can be confident in exercising judgment as to the use of deadly force. The following policy shall govern such use by members of the Birmingham Police Department.

Every officer is responsible for and will be accountable for the knowledge of the contents of this policy and an officer's alleged ignorance of this policy shall not be a defense against departmental disciplinary action brought against an officer for violation of this policy.

1. A police officer may discharge a firearm in the line of duty, when necessary to defend himself or a third person from what the officer has reasonable cause to believe is the imminent use of deadly physical force.
2. After all reasonable alternatives of apprehension have been exhausted, the use of deadly force by an officer may be considered warranted to make an arrest or to prevent the escape from custody of a person whom the officer has reasonable cause to believe:

- (a) has committed or attempted to commit a felony involving the use of deadly physical force, or
- (b) is attempting to escape apprehension, or custody by the use of deadly force, or
- (c) has indicated that he is likely to endanger human life or to inflict serious physical injury unless apprehended without delay.

- Note:

The officer is entitled to assume that a person committing any one of the following crimes is committing that crime while armed, or is attempting to flee while armed:

- Homicide
- Assault with Intent to Murder
- Robbery
- Rape
- Burglary of Business in nighttime
- Burglary of Residence in nighttime

- 3. Justification for the use of a firearm is limited to the facts known by the officer before he decides to shoot. Facts unknown to the officer cannot be considered later in determining justification of the shooting.
- 4. Officers shall not fire under conditions that would subject bystanders or hostages to death or possible injury, except to preserve life or prevent serious bodily injury. Firing under such conditions is not justified unless the failure to do so at the time would create a substantial immediate threat of death or serious bodily injury.
- 5. Whenever a police officer discharges a weapon, police communications and the officer's immediate supervisor must be notified as soon as possible.

CLARIFICATION OF TERMS

- 6. "Deadly Physical Force" means physical force which under the circumstances in which it is used is readily capable of causing death or serious injury.

Using a deadly weapon or a dangerous instrument to threaten, intimidate, or physically harm another constitutes use of "Deadly Physical Force."

7. "Reasonable cause to believe" is defined as a set of facts which would lead a trained police officer of ordinary caution and prudence acting impartially and without prejudice under the same or similar circumstances to conscientiously reach a conclusion.
8. "Reasonable Alternative" is defined as a course of action which a trained police officer, under the circumstances at the time, could have taken short of the use of deadly physical force.

Several police shootings toward the middle of 1980 led to further agitation for a still more restrictive policy. Dallas Parker, for example, was shot to death on May 28, 1980, as he fled the scene of a burglary. There was strong feeling, most especially on the part of Mayor Arrington, that police should not shoot at fleeing felons where there was no violence or threat of violence.

The Birmingham Post-Herald reported as follows in its issue of June 17, 1980:

Birmingham residents approve of police shooting their weapons when officer's lives are clearly at stake.

But a majority of residents don't think police should use their guns to stop a person fleeing arrest or when a person is unarmed.

Those are some findings of a Birmingham Post-Herald poll conducted last week among 402 residents representing a cross-section of the city.

The survey indicates that citizens generally call for greater restraint in using weapons than is required by Alabama law in the city police shooting policy.

The city's population appears to be sharply divided over the question of whether police use their guns too frequently when making arrests. About half of the people say the police resort to the use of deadly force too often and the other half disagrees.

In general, the survey found that younger people (below 39) and blacks thought the police used their weapons too often, while older people and whites

tended to believe that the police should use their weapons to protect property as well as lives.

A more restrictive policy went into effect on July 7, 1980, under General Order 1-78, Firearms Discharge Policy (Revised July 7, 1980) issued by Chief Myers. The policy is as follows:

Although State Law permits the use of lethal force to protect life and property in certain circumstances, the policy of the Birmingham Police Department is much more restrictive.

- I. It shall be the policy of the Birmingham Police Department to permit an officer of this department to use lethal force only when:
 - A. The officer reasonably believes that the officer's life is in jeopardy and that lethal force is immediately necessary to preserve the officer's life; or
 - B. The officer reasonably believes that the life of another is in jeopardy and that lethal force is immediately necessary to preserve that life.
- II. Apprehension of felons: An officer can use lethal force only when the officer has knowledge that the suspect being apprehended has committed a felony crime and that the suspect used or attempted to use lethal force in the commission of the crime for which he is being apprehended.
 - A. Prior to using lethal force under these circumstances, an officer must have exhausted all reasonable alternatives to effect the apprehension without exposing the officer, the person to be apprehended, or any other person to the possibility of serious injury or death.
 - B. The safety of innocent bystanders should be a primary concern.
- III. Use of lethal force when suspect is armed with a knife or similar weapon.
 - A. The dangerousness of a person armed with a knife or other similar weapon will depend on the nearness of the suspect to the officer or other persons and on the feasibility of isolating the suspect until other methods of apprehension can be used.

- B. Lethal Force will not be used against such a person except for self-defense or in defense of another from what the officer reasonably believes to be an immediate threat of death or serious injury.
- IV. The use of lethal force will not be permitted under the following circumstances:
- A. An officer may not discharge a weapon as a warning at any time.
 - B. An officer may not discharge a weapon at a moving or fleeing vehicle unless the officer reasonably believes that the officer or some other person is in immediate danger of death or serious bodily injury. The fact that the fleeing or moving vehicle is speeding or has committed some other traffic violation does not constitute grounds for belief that a serious and immediate danger of death or serious bodily injury exists.
 - C. An officer may not discharge a weapon from a moving vehicle unless the officer reasonably believes that the officer or another is in immediate danger of death or serious bodily injury.
 - D. An officer may not use lethal force on a misdemeanor when that is the only offense known to the officer, unless the officer reasonably believes that the officer or another is in immediate danger of death or serious bodily injury.
 - E. Lethal force will not be used by Birmingham Police Officers in apprehending a suspect wanted solely for a property crime when there is no immediate danger of death or serious bodily injury to the officer or another.
- V. The conduct of all Birmingham Police Officers regarding the use of lethal force will be judged according to the provisions of this policy.

CLASSIFICATION OF TERMS

"Lethal Force" means physical force which is readily capable of causing death or serious injury. Using a lethal weapon or a dangerous instrument to threaten, intimidate, or physically harm another constitutes use of "Lethal Force."

"Has Knowledge" means facts or information known to the officer.

The phrasing "lethal force" was used in place of "deadly force" on the basis of a preference of Mayor Arrington. This new policy allowed the use of deadly force against fleeing felons only when "the suspect used or attempted to use lethal force in the commission of the crime."

The reception of the policy was, to express the matter mildly, mixed. Friction between the Mayor and the Fraternal Order of Police was expressed as follows in the Birmingham Times (described in its headline as The Southeast's Largest Black Weekly):

A Wednesday morning press conference by members of the Fraternal Order of Police (FOP) prompted an afternoon press conference by Mayor Richard Arrington. Lt. Jimmy Williams, president of FOP, was reported to have said that the Mayor's new policy on the use of lethal force in law enforcement that went into effect July 7, represents "a serious threat to the safety of the lives and property of the citizens of this city." An angered Mayor Richard Arrington responded to the charges by saying the statement issued by the FOP is a highly distorted, highly unprofessional and deliberate misrepresentation of the City's New Fire Arm Policy....

The FOP urged citizens to contact State Senators and Representatives and ask them to introduce legislation to prevent anyone, including municipal governments from interfering with the rights and powers accorded the law. Mayor Arrington indicated that he does not believe the statements of Lt. Williams represent the attitudes of the overwhelming majority of police officers.

"The new shooting policy does not jeopardize the lives of officers or the law-abiding citizens of this community," Arrington explained. He added "The FOP statement that the policy represents a serious threat to the safety of the lives of our citizens is a blatant lie." The mayor said that the policy was developed with the assistance of citizen input and was approved by committee and even police officers agreed with the policy. Arrington said he wanted to make a few minor changes but since there was a consensus of opinion he'd let it stand as it was.

The mayor pointed out that he was considering disciplinary action against Lt. Williams.

The Birmingham Post-Herald conducted a survey of reactions to the new policy on the part of the police officers and merchants, and reported the results on July 11, 1980. Of 49 police respondents, 42 said they were opposed to the new policy. And all but one of the merchants interviewed expressed disagreement with the new shooting policy.

Bill Myers was replaced as Chief of Police in January, 1981. His replacement was Jack A. Warren who is serving as Acting Chief as of this date (June 22, 1981). The search for a permanent chief seems to be in its final stages at this time.

APPENDIX P

MIAMI, FLORIDA:

SOCIAL, POLITICAL, HISTORICAL PERSPECTIVE

Economy

For more than half a century, Miami has been known as one of this country's premier tourist centers. Situated on the Southeastern, Atlantic coast of Florida with its natural attractiveness and pleasant climate, the city consistently draws thousands of vacationers. Originally, the largest number of these visitors came from the cities and farms of the Northeast and the Midwest to spend some time in the sun and surf, but in recent years greater representations have come from Europe and, more significantly, from Latin America.

While tourism is still a very important component of the city and indeed the area's economy, technology and a number of historical events have led to its broad-based diversification in the last 25 years. The advent of nuclear power has provided the area with a comfortable reservoir of electrical power, chemistry has pacified the troublesome mosquito (permitting the public to enjoy the pleasures of a south Florida evening), and the settlement of thousands of Spanish-speaking individuals in Miami constitutes an important human resource and a valuable link to the multi-billion dollar Latin American trade.

As a result of the above, the Miami-Dade County area has become a major center of international banking, has seen its importing and exporting activities spiral to a value of over \$7,500,000,000 (1979) with its port and airport surpassing their projected growth rates, and now hosts 190 multinational firms and 45 Fortune 500 companies.

Demography

There is some controversy as to Miami's present population. According to the 1980 U.S. Census, it has a population of 346,000. This is a 39 percent increase over 1950, but only a three percent increase since 1970, and a one

percent decrease from its 1975 peak estimated population of 350,742. The city is, however, challenging the census bureau's 1980 figures. As a result of the 1980 Cuban boatlift and the sizeable number of Haitian refugees who have come to its shores, the city claims an additional 45,000 residents. Further, Miami has stated that 10,900 permanent residents were not counted, giving a total estimated population of 403,000.

No discussion of Miami's population should exclude recognition of the thousands of individuals who daily commute from all parts of the vast metropolitan area to work, to shop, or to use the cultural, educational, and social facilities provided by the central city, and of the additional thousands of tourists who swell the city's resident population.

Since Miami's present total population cannot be specified, clearly subgroup numbers can only be guessed. A 1979 estimate based upon a population of 360,000 gave the city an ethnic composition of 53 percent Hispanic, 23 percent Anglo, 22 percent Black, and two percent Other. Because the vast majority of the city's new, 1980 residents are either Cuban or Haitian it is safe to assume that the percentage of Hispanics and Blacks have increased.

Even before the latest influx of refugees, Miami had a greater percentage of citizens of low income, and with fewer years of formal education, than did comparable cities in the United States. Further, approximately 15 percent of its population are over 65 years of age because the city is seen as a haven for retirees. That is one reason Miami has a greater imbalance between females and males than is generally found, has a relatively larger female labor force, and has a smaller number of children.

Miami covers approximately 53 square miles, but only 34 square miles are dry land. The city is relatively high in population density, as compared

with cities of over 100,000 people even though it is a city of primarily single family dwellings.

Add to these demographic conditions the significant economic, social, and psychological problems associated with the most recent wave of Cuban and Haitian refugees and the extent and uniqueness of the difficulties presently facing the city are evident.

Government and Politics

The City of Miami has the traditional commission-manager form of government. The mayor and four commissioners are popularly elected and serve as the city's legislative body. The mayor serves as ceremonial head of the city and chairman of the City Commission. The chief administrative officer of the city is the city manager. He is appointed by and serves at the pleasure of the City Commission. The city manager in turn appoints the chief of police.

Over the years, Miami's minority communities have increased their representation on the Commission until the mid-seventies when an Hispanic was appointed and then elected mayor. The present (1981) Commission consists of three Hispanics (two Cubans and one of Puerto Rican extraction), one Black and one Anglo. A Black was recently appointed city manager.

Miami, like the majority of large American cities, experienced the economic, political, and social upheavals of the sixties and seventies. It saw its share of civil rights and anti-Viet Nam War demonstrations. It found its residents protesting discrimination, poverty, and a lack of adequate and appropriate service in the streets, in the courts, and in the halls of government. For example, there were numerous claims of discriminatory and inadequate service delivery to economically depressed sections of the city,

particularly in the late sixties and early seventies. Poverty, unemployment, and poor housing for Blacks were generally seen as the major cause of the 1968 riot in the city.

However, probably the most difficult of a wide range of problems was the attempt to accomodate the waves of refugees that began in the early 1960s and continues to the present time. The first large group, mainly Cubans who fled Castro's revolution, were generally talented and law-abiding, but they were for the most part destitute and unfamiliar with this country's language, customs, and culture. The Cuban influx continued on a smaller scale for the remainder of the sixties and through the seventies. The Cubans were joined during this period by a stream of individuals from almost every part of Latin America. It should be noted that besides the very difficult economic and social problems for community and individual alike that resulted from this massive resettlement, a new, sometimes volatile, dimension was added to the community's political life. Many, if not the majority, of these refugees left their homes because of political differences and sometimes persecution. It is only natural for them to have continued to support and work for the success of the political causes in which they so passionately believed. Unfortunately, the divergence of groups, ideologies and interests has sometimes caused public or private conflicts complicating the role of local authorities.

The latest (1980) massive movement of Cuban and Haitian refugees into the area has served to intensify existing problems and created some new strains. The integration of 45,000 new residents has placed a high burden on governmental and private resources. Already limited educational, housing, welfare, and police budgets were stretched to the breaking point. While the arrival of some federal and state funds was some help, these monies were

generally found to be too little and too late. Refugee related crime, about which more will be said later, has added significantly to the city's already sizeable crime rate. Finally, tensions between the Black and Cuban communities have grown considerably with Blacks charging favoritism or even racism because of what they perceive as preferential treatment in the handling of the Haitian and the Cuban refugees. Further, a recent poll of Blacks conducted after the 1980 riot showed that 87 percent of those interviewed felt that the 1980 Cuban boatlift would hurt their economic changes. (The Miami Herald, June 22, 1980, p. 23-A.)

In the early evening of Saturday, May 17, 1980, the City of Miami began what was probably the most traumatic experience in its 90-year history. For three days, the city was torn by a riot in which 18 died and an estimated \$100 million in property damage occurred. The immediate cause of the riot was the acquittal of a group of white Dade County Public Safety Officers accused of beating to death a Black by the name of Arthur McDuffie. The trial was held in Tampa, Florida after a change of venue. Four other events added to the tension of the times:

1. A wrong house drug raid and beating of Nathaniel LaFleur, a black school teacher, for allegedly resisting arrest by Dade County Public Safety Officers. There was no criminal prosecution.
2. Black burglary suspect, Randy Heath was killed by a white Hialeah police officer. The grand jury declined to charge the officer and the state attorney would no file charges, although a county judge found probable cause to charge the officer with a criminal act.
3. The molestation of an eleven-year-old black female by a white Florida Highway Patrol Officer. The officer entered a plea of guilty

and was sentenced to probation and agreed to undergo psychiatric treatment.

4. The conviction of black School Superintendent Johnny Jones on larceny charges by an all-white jury in May 1980.

These events confirmed the opinion held by many Blacks that Dade County justice was unequal, that Blacks could not get a fair trial, and that Whites could get away with anything. Fully nine out of ten Blacks questioned in the previously mentioned poll held to this position.

There can be no question that the level of Black disenchantment in Miami is extremely high, but whether the city will have another riot is impossible to answer (there was another brief flare-up in the Liberty City area in July 1980). The city certainly faces a difficult period with a high level of community tension and only a limited degree of community trust.

Crime in Miami

Miami has for many years experienced a high incidence of crime. In the 1960s, Miami often headed the list of American cities in the rate of major crimes reported. Major crime rose a total of 98.5 percent during the sixties. Between 1970 and 1979, the number of Part I crimes increased 56 percent, although they decreased 6.7 percent in 1979 from the peak attained in 1975. In 1979, Miami ranked eighth among major cities for violent crime.

One area of international trade has had a violent impact upon Miami. According to the federal government, Miami has become the "Wall Street of the drug trade." Authorities estimate that about 70 percent of the \$40 billion annual marijuana and cocaine business in the United States comes through southern Florida. Literally billions of illicit dollars are moved through Miami banks including the Federal Reserve Bank in Florida. This drug traffic

has added a level of deadly sophistication to the local crime scene with murder, intimidation, and corruption being all too common side effects. It is estimated that 200 or so smuggling rings are operating out of Miami with federal, state, and local officials fighting a generally losing war.

While the presence of relatively high levels of crime are not new to Miami's citizenry, they were not prepared for the crime wave that came in the wake of the Cuban boatlift. The majority of the individuals who came to this country from Cuba during 1980 were law abiding, but a significant number of the refugees were convicted criminals and people with mental problems. In indelicate but forceful language the Mayor of Miami said, "The Cuban communist dictator flushed his toilets." (The Miami Herald, September 18, 1980, p. 1-A.)

In Little Havana, during June, July, and August 1980, Part I crimes increased approximately 100 percent over those that occurred during the same period in 1979. In Little Haiti, the increase was approximately 125 percent. In the remainder of the city the increase was 33 percent.

Murders increased 90 percent in the last two years in Miami, and 36 of the city's 111 victims for the first five months of 1981 were recent Cuban refugees.

Finally, a senior Dade County juvenile court judge estimates that the number of Latin juvenile offenders will double by 1983 and a major factor in the rise will be the Cuban boatlift. He estimates that slightly more than 500 new offenders will come before the Court during the 1980-81 term.

Crime and the riot have obviously caused considerable fear in the public and the fear has been expressed in the form of purchase of handguns. For the 12-month period ending September 30, 1980, more than forty thousand handguns were purchased, a 38 percent increase over the previous year. The

fear of crime pervades many aspects of Miami's economic, political and social life.

Miami Police Department

The Miami Police Department faced the problems of the sixties with little national or local notoriety. Indeed, Chief Walter Headley's December, 1967, press conference in which he announced his widely reported "Get Tough" policy in response to an increase in violent crime in Black areas of Miami was a considerable deviation from the department's usual sedate public stance. His announcements that the Black Community would receive concentrated attention with double patrols, shotguns, and dogs, and that, "When the looting starts, the shooting starts," put forth a new enforcement style.

Chief Headly retired and the department was led into the 1970s by an outsider, Bernard L. Garmire, who had served previously as Chief of Police in Tucson, Arizona. Garmire was hired in 1969.

Garmire had a national reputation as a progressive police leader, and he was a strong advocate of police professionalism, including the need for college training for all police officers. He stressed the development of a service oriented uniformed patrol force and an essentially plainclothes tactical service that is target based and mission oriented. He also fostered the concept of team policing.

Fortuitously, in the late sixties, the City of Miami decided to improve much of its physical plant. It called a \$129 million bond election on June 30, 1970. Twenty million dollars of those funds were designated for the acquisition of capital facilities and equipment for the police department. The police bond issue passed and the Miami Modern Police Department (MMPD) project took a grand step forward. The second step in the process of modernization was to hire a group of experts from the Stanford Research Institute

(SRI) to assist the department in its development. Among other things MMPD included:

1. Strengthening the department's technical and management services;
2. Improving the department's information services;
3. Revamping of methods, equipment and procedures to receive and dispatch calls for service;
4. Redesigning the department's radar system;
5. Building a new police headquarters;
6. Improving the department's personnel and training practices.

Many of these activities have been completed. The most dramatic success was the construction of the headquarters facility. The building was occupied in May 1976. Some projects such as the constant update of the department's information and communications systems continue into the 1980s.

Garmire's drive for "progress" did not always receive the unqualified support of the public, elected officials, or indeed, the officers of the department. Internally, some viewed him as autocratic and aloof, either unwilling or unable to communicate. Police morale was investigated by grand juries in 1970 and 1973. In each of their final reports, they found serious morale and communications problems, but while in the 1970 Grand Jury Report witnesses were "almost unanimous in their praise of [Garmire] as an excellent administrator," the 1973 Grand Jury's Report found little support for the chief even as an administrator. Its first recommendation therefore was:

Since the same conditions exist now as did in 1970, the City Manager and the City Commission should demand that Chief Garmire use all the authority vested in him to correct the conditions outlined. If he cannot improve morale and the performance of the department, new leadership should be sought.

Garmire also faced a seriously increasing crime rate (Part I crimes increased 35 percent in 1973 and 26 percent in 1974), a public dispute over the conduct of a number of police investigations of public officials, and charges of improprieties in both the mayor's and the city manager's offices.

He resigned in January 1975, and was replaced from within by Garland Watkins.

Chief Watkins was a low-keyed executive who did much to continue the implementation of the Miami Modern Police Department. His journeyman-like performance reduced the tensions of the preceding years and resulted in significant progress insofar as the department's professionalism was concerned.

However, during Chief Watkin's tenure, a downward trend began in the actual number of sworn personnel in the Miami police department. The major reasons for the decrease were probably budgetary limitations, a higher number of resignations than normal, particularly in 1979, and a hiring freeze and delayed personnel activity stemming from a federal discrimination suit (a suit which was settled by consent decree in February 1976).

Between 1970 and 1975, the actual number of sworn personnel went from 687 to 788 (an increase of 14.7 percent). While the annual increases were small, they were constant. From 1975 to 1979, the actual number of officers decreased 15 percent (122 officers), and it left the department with three percent fewer officers (21) than it had in 1970.

The situation became somewhat worse in early 1980, but in the wake of the riot, the high influx of refugees, soaring crime rate, and a massive public outcry for more police protection, the department was authorized to recruit to the point that it will have 814 by the close of the 80-81 fiscal year. While additional resources are always appreciated, it should be noted that because of the rapid expansion, over half of its patrol force will be

on probation, and therefore untried. The department hopes to increase the force to 1,000 officers in the next fiscal period.

In January 1978, Chief Watkins retired and was replaced by Acting Chief Klimkowski until on March 15, 1978, Captain Kenneth Harms was appointed Chief of Police. Chief Harms, a 39-year-old native Miamian and 18-year veteran of the department, brought an outgoing, aggressive, community-oriented style of leadership to the department. Almost immediately he undertook a series of highly visible programs aimed at attacking his more serious problem, crime, and building public support for the department in the community. In late April 1978, the department began "Operation Clean Sweep," an attempt to reduce daytime juvenile crime by removing truants from the streets. It was highly unsuccessful. On May 9, 1979, the Chief, along with community leaders and members of his staff, began the first of numerous walks through the streets of local neighborhoods to get first-hand knowledge of the problems facing the various communities.

A 1976 survey of city residents conducted with funds from the Law Enforcement Assistance Administration showed a sizeable amount of support for the MPD's performance. Only in the Black population did there seem to be any significant objection to the department.

The department did take a number of steps to improve its image in the minority community. In November 1979, the department had a minority representation of 36.7 percent. Thirteen and six-tenths percent of all officers were black, 18.4 percent were Hispanic, and 4.6 percent were white females. Between January 1978 and September 1980, 141 officers were hired. One hundred twenty-one of them (85.8 percent) were minority members with 32.6 percent Black, 46.1 percent Hispanic, and 7.1 percent white females. A Hispanic

was promoted to the only opening for a mayor during the period, and the department's only black mayor was given command of patrol. This has more than complied with the targets established by the consent decree referred to above. It should be mentioned that this affirmative action effort has caused some morale problem for those white officers who feel they are being passed over for promotion.

Knowing that it was a serious source of irritation in the Black community Chief Harms ordered a review of the department's "Deadly Force Policy" in 1978. A relatively restrictive policy was waiting approval in the city manager's office when the May 1980 riot broke out. It was put into effect by the chief's order on the second night of the riot.

In 1979, as a result of the animosity toward the department resulting from the LaFleur incident (in which it actually played no part), the city manager appointed a study committee to look into the issue of police complaint review. The committee consisted of a black assistant city manager, a black citizen, a Hispanic citizen, a representative of the Fraternal Order of Police (FOP) and a representative of the chief's office. The group agreed on a plan which called for the establishment of the "Office of Professional Compliance" within the Office of the Chief of Police. Under the proposal, a five-member advisory committee would be appointed. Two laymen would be designated by the city manager, with the concurrence of the city commission, one member would be a representative of the FOP, one would be an assistant city manager, and one would be a representative of the Office of the Chief of Police. The advisory committee would recommend the people to be hired to fill the director's and three investigator's positions. The chief and the city manager would have the final say in hiring staff. The advisory committee and the staff would generally monitor the complaint process and

keep the complainant informed of the complaint's progress. The proposal was presented to the city commission, and it was enacted on July, 10, 1980.

A remarkable aspect of the Miami Police Department's relationship with its minority communities was the lack of major controversy between the beginning of 1977 and the end of 1979. A review of the local press and interviews with a variety of political and community leaders reflects an occasional difference of opinion, but no major problems. The relative calm was broken by the LeFleur incident in February 1979, but since Miami PD officers were not involved, most of the difficulty resulted from the public's inability to differentiate between police departments, a difficulty that would eventually put the MPD in the middle of Miami's greatest civil disturbance. The department was a victim of circumstance. While the McDuffie case and others in Dade County brought police practice and performance into serious question, MPD officers were not participants. Yet, when the demonstration protesting the McDuffie verdict deteriorated into a riot, Miami officers had the greatest level of involvement since most of the riotous activity occurred within city limits.

There can be no doubt that the MPD's relationship with segments of the Black community were severely damaged by the riot. The event reinforced each side's adversarial stance. Further, MPD officers shot and killed three individuals during the riot and although the officers' actions were found justifiable in all three cases, two of the incidents caused considerable controversy. The alleged vandalism by Miami police personnel of cars in a looted discount store's parking lot convinced many of the biased and undisciplined behavior of all police officers (the city did assume the responsibility for the damage to the vehicles and the officers were originally suspended with pay and when reinstated required to submit to retraining).

The Miami Herald (June 22, 1980, p. 23-A) poll of Blacks taken after the riot indicated a very high level of distrust of the police, with 90 percent saying police brutality is a "big problem." In addition, the following responses were collected using the statement "Some people say..."

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|---|---------|
| 1. Policemen lack respect or use insulting language. | 81% yes |
| 2. Policemen roust, frisk, or search without cause. | 78% yes |
| 3. Policemen stop or search cars or homes for no good reason. | 72% yes |
| 4. Policemen use unnecessary force in making arrests. | 77% yes |

Chief Harms challenged those findings in his testimony before the Governor's Citizens' Committee on the causes of the Miami disturbance. He termed the Herald poll "an absolute travesty (The Miami Herald, July 9, 1980, p. 3-B). He further charged that the questions were presented in such a way as to elicit negative results.

The chief went on to state that local news media, particularly the Herald, created the emotional atmosphere that led to the May riots. Harms also said, "I wouldn't say that the Miami Herald caused the riots but I would say that it certainly raised the emotional level of this community. I would say that it made a significant contribution."

The Herald replied editorially a few days later saying that "Chief Harms' attitude shows that the kill-the-messenger syndrome infects even those whose professional respect for facts should immunize them against unsupportable accusations" (July 11, 1980, p. 6-A). The editorial also charged Harms with a "misunderstanding of a newspaper's function," adding, "No purpose is served by blaming the Herald for reporting these (police) abuses. Instead, Chief

Harms and other responsible officials should devote their full energies to correcting them."

Finally, Chief Harms in a letter to the editor reiterated his charge that, "the Herald insisted on perpetuating the emotions and fanning the flames through a blatant insensitivity that cannot be tolerated in a diverse community such as ours" (July 15, 1980, p. 6-A).

Before closing this section, a further comment should be made concerning the police vandalism mentioned earlier. When the mayor heard of the incident he referred to the officers involved as "bums" and demanded that they be fired. These men were suspended with pay. Members of the department, through the Fraternal Order of Police, reacted to the mayor's comments, the suspensions, and the suggestion that many rioters would receive amnesty, by threatening to call a strike. Chief Harms at a meeting of some 400 officers in front of the Police Building managed to calm things by assuring the crowd that the suspended officers would be judged fairly and without political interference. The officers were reinstated and assigned to attend "stress training"--pending further investigation. When the FOP president announced that no general amnesty was under consideration, the men withdrew their threat to strike and the meeting broke up.

The mayor apologized for his intemperate remarks. The FOP later, however, attempted to recall the mayor, but failed. The black officers' group, the Community Police Benevolent Association, denounced the attempted recall of the mayor labeling it an attempt to get the mayor for his support of affirmative action policies.

The Use of Deadly Force

The present "Deadly Force Policy" of the Miami Police Department is the product of a series of historical events that lead back to 1971.

In 1971, Chief Bernard Garmire initiated a letter to the State of Florida's attorney general seeking an opinion which would allow him to limit the use of deadly force by police officers. The attorney general stated in response that police officers have a legal duty to use deadly force as per the Florida State statutes, that a chief of police could not narrow the scope of the authority, and that disciplinary action initiated by the department for the violation of a more restrictive policy would not be upheld by the courts.

The State legislature changed the Florida State statutes in 1974 to restrict the use of deadly force by police officers to prevent immediate death or great bodily harm, or to prevent escape of a felon where the escape would endanger humans.

In 1975, the State legislature amended the Florida State statutes and put into effect the old law provision. The opinion of the attorney general became applicable again.

In 1976, Dade County's Sheriff Bud Purdy requested that the attorney general clarify the fleeing felon statute. He reiterated his 1971 opinion, except that a chief could adopt a more restrictive policy and enforce its provisions as per Chastain v. Civil Service Board of Orlando.

Chief Harms, in 1978, ordered that the use of deadly force by MPD officers be carefully reviewed, and that, if appropriate, a new deadly force policy be drafted.

Unfortunately, the policy which was so cautiously developed and had as one of its primary aims avoidance of the crises that result from unfortunate applications of deadly force, was put into effect in time of crisis to avoid inflaming the situation further by the unrestricted use of deadly force.

The present policy reads as follows:

13.0 POLICY.

The Miami Police Department places a greater value on the preservation of life than on the protection of property. It is in the best interest of the public, the Miami Police Department and the officers of the Miami Police Department that the use of deadly force by the police balance the safety of the community and its police with the constitutional principle of due process.

This policy is based upon legal and moral precepts for police officers to utilize deadly force to protect society and themselves from death or great bodily harm.

It is the policy of the Miami Police Department that officers will use deadly force only as a last resort and when the officer has reasonable belief that deadly force action is required.

13.0.1 To prevent death, or great bodily harm to the officer or another person, or

13.0.2 To apprehend a fleeing felon who is armed and dangerous, or

13.0.3 To apprehend a fleeing felon who has committed a felony resulting in death or great bodily harm.

Between 1970 and 1979, the number of firearms discharge incidents experienced by the MPD has decreased 67.5 percent (from 83 to 29). The decrease has been fairly consistent with the only increase 24.4 percent (from 45 to 56) occurring in 1975. Between 1976 and 1979 officers killed eight and wounded 30. Six of the fatalities took place in 1979.

During the period 1977-79, the number of incidents decreased from 45 to 29 (35.5 percent). A department spokesman attributes the reduction to increased scrutiny and review of all applications of deadly force and to the uncertain status of the policy during the review period. The majority of the reductions have been on the area of fleeing felons.

As was noted earlier the department experienced little controversy insofar as the use of deadly force was concerned in the period 1977-79. Only

one case received much publicity, the shooting of a teenager, and the officer was dismissed for his actions. The U.S. Justice Department inadvertently confirmed the non-controversial nature of MPD shootings when after the riot it indicated that it was going to check 14 cases of alleged police brutality in southern Florida. Of the 14, seven took place in Dade County, and one was an alleged shooting of Napoleon Iteiralde by an MPD officer. A search of MPD records turned up no information on such an incident, and the department heard nothing further about the investigation.

Because of the May 1980 riot it is likely that the number of shooting incidents will increase. Of the three fatal shootings that occurred during the riot, as noted earlier, two became quite controversial but the officers were cleared after investigation by the department, the state attorney, and in one case, the federal grand jury.